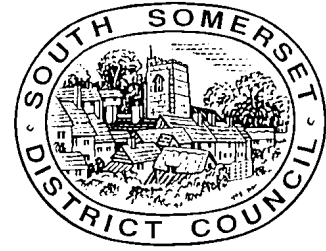


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 13th August 2014

10.00 am

**Council Offices
Churchfield
Wincanton
BA9 9AG**

(disabled access is available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 10.30am.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Anne Herridge, Democratic Services Officer 01935 462570**, website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 5 August 2014.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

Area East Committee Membership

Nick Weeks
Mike Lewis
Mike Beech
John Calvert

Tony Capozzoli
Nick Colbert
Anna Groskop
Henry Hobhouse

Tim Inglefield
Lucy Wallace
William Wallace
Colin Winder

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs - We want a strong economy which has low unemployment and thriving businesses
- Environment - We want an attractive environment to live in with increased recycling and lower energy use
- Homes - We want decent housing for our residents that matches their income
- Health and Communities - We want communities that are healthy, self-reliant, and have individuals who are willing to help each other

Scrutiny Procedure Rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the Council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of Planning Applications

Members of the public are requested to note that the Committee will break for refreshments at approximately **10.15am**. Planning applications will not be considered before **10.30am** in the order shown on the planning applications schedule. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A formal written report from the Area Highways Officer should be on the main agenda in May and November. A representative from the Area Highways Office should attend Area East Committee in February and August from 8.30 am to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct through Somerset Highways direct control centre on 0845 345 9155.

Members Questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

Information for the Public

The Council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as "key decisions". Members of the public can view the council's Executive Forward Plan, either online or at any SSDC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area East Committee are **normally** held monthly at 9.00am on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council's website <http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions>

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant/Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Area East Committee

Wednesday 13 August 2014

Agenda

Preliminary Items

- 1. Apologies for absence**
- 2. To approve as a correct record the minutes of the previous meeting held on 9 July 2014**
- 3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9. In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Tim Inglefield and William Wallace

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

- 4. Public Participation at Committees**
 - a) Questions/comments from members of the public**
 - b) Questions/comments from representatives of parish/town councils**

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on any planning related questions later in the agenda, before the planning applications are considered.

5. Reports from Members Representing the District Council on Outside Organisations

6. Feedback on Reports referred to the Regulation Committee

7. Chairman Announcements

Items for Discussion

8. Revenues and Benefits Annual Update (Pages 1 - 6)

9. Wincanton Transport and Services Hub Update (Pages 7 - 9)

10. Heart of Wessex Rail Partnership Update (Executive Decision) (Pages 10 - 21)

11. Area East Committee Forward Plan (Pages 22 - 23)

12. Date of Next Meeting (Page 24)

13. Items for information (Pages 25 - 41)

14. Schedule of Planning Applications to be Determined by Committee (Pages 42 - 43)

15. Planning Application: 14/01055/OUT - Land At Court Lane, Milborne Port. (Pages 44 - 61)

16. Planning Application 14/02481/OUT - Land adjoining Longhazel, Sparkford, Yeovil. (Pages 62 - 67)

17. Planning Application 14/02523/OUT - Land At Roselands, Lily Lane, Templecombe. (Pages 68 - 73)

18. Planning Application 14/02094/FUL - Land to rear of 35 Bowden Road, Templecombe. (Pages 74 - 81)

19. Planning Application 14/01631/FUL - Truffles Brasserie, 95 High Street, Bruton. (Pages 82 - 86)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

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Agenda Item 8

Revenues and Benefits Annual Update

Strategic Director: Rina Singh Strategic Director (Place and Performance)
Assistant Director Donna Parham: Assistant Director (Finance and Corporate Services)
Service Manager Ian Potter, Revenues and Benefits Manager
Lead Officer: Ian Potter, Revenues and Benefits Manager
Contact Details: ian.potter@southsomerset.gov.uk or 01935 462690

Purpose of the Report

The purpose of this report is to update members on the work of the Revenues and Benefits Service during 2013/14 and our work plans for 2014/15

Recommendation

That members note and comment on the content of this report

Background

During 2013/14 the Revenues and Benefits Service was responsible for the collection of approximately £84 million in Council Tax, £43 million in Business Rates, and the payment of £45 million of Housing Benefit and £9.3 million in Council Tax Reduction (CTR), £181.3 million in total.

As mentioned in my last update, during 2013/14 the service has been subject to an unprecedented level of change to legislation relating to, Council Tax, Housing Benefit and Council Tax Benefit (now CTR).

The key changes were:

1. Abolition of the national Council Tax Benefit Scheme and the localisation of Council Tax support
2. Social sector size restrictions for Housing Benefit
3. Overall Benefit Cap
4. Technical reforms of Council Tax

It has been an enormous change programme with extremely challenging timescales for delivery. In addition to this work we undertook the usual annual billing and year end processes for Business Rates, Council Tax, Housing Benefit and Council Tax Reduction. These processes alone present a very real challenge for the team each year, and the addition of the above changes meant a complete redesign of the approach to annual billing and an unprecedented workload.

I am pleased to report the team met these challenges admirably with everything being implemented and bills dispatched on time.

Revenues and Benefit Services in 2013/14

Council Tax Reduction Scheme (CTR)

SSDC adopted a local Council Tax support scheme called "Council Tax Reduction" for working age people from 1 April 2014 following the abolition of the national Council Tax Benefit Scheme. The most significant change was the reduction in the maximum support available. Under CTR it is 85% compared with 100% under the former Council Tax Benefit scheme.

Approximately 6500 working age households were affected by this change, of which around 4000 households were paying something for the first time. Pensioners were protected from the changes and their support was unaffected.

There were a number of things that we did to try to support people affected by the welfare reforms. These included:

- Longer term arrangements - designed to help people get back on track with their Council Tax payments and sustain them thereafter. Comprehensive arrangement letters were introduced to make it easier for the tax payer to keep track of what is due.
- Introduction of a "Reminders explained" leaflet – we found that there were many people who did not know or understand that the reminder process for Council Tax is an escalating one. Two consecutive missed payments, or continued late payments would result in the loss of the right to pay by instalments and additional costs and fees. This leaflet was sent with reminder notices and new bills from October 2013 and every household received one with their 2014/15 annual bill in March 2014. It also sets out when payments need to be made by to ensure they are on their account in time for the instalment due date.
- Referrals for further monetary advice – We added this stage to the recovery process and is used where we identify that people might benefit from advice on debt, budgeting or both. We suggest the tax payer seeks help from CAB with a view to them then making a realistic repayment agreement. We have had some limited success with this approach.

Social Sector Size Restriction

This change came into effect in April 2013. Ahead of the implementation we estimated approximately 1200 households would be affected. By the end of the year we had around 800 households still affected. About 10% of those having more than 1 'spare' bedroom and subject to a 25% reduction in the rent used to calculate Housing Benefit entitlement. The other 90% had a reduction of 14%. This had a significant impact on many of the households affected and resulted in additional administration for the team.

Benefit Cap

This is a cap on the total amount of benefit that can be received. The cap is £350 a week for single people and £500 a week for couples and lone parents. We have had between 35 and 40 households affected by this at any one time. Approximately 40% of these are in the private rented sector and 60% in social housing. It has mainly affected families with four or more children and the benefit loss each week ranges from under £10 to as much as £200 a week. Some households move off the cap and new ones become subject to it. There are

also changes in the value of the cap that needs to be applied. This is all additional work for the team.

Discretionary Hardship applications

We paid 486 Discretionary Housing Payments towards rental costs during 2013/14 and turned down 160 (646 applications). Of those paid, 308 were due to the Social Sector Size Criteria, 123 due to Local Housing Allowance restrictions, and 24 due to the Benefit Cap. The other 31 were paid for a variety of other reasons. This was a near threefold increase in applications compared to 2012/13 with 229 in 2012/13 and 646 in 2013/14.

Housing Fairs

In September 2013 members of the Benefit Team attended the Housing Fair at the Guildhall in Chard, to offer advice and deal with any queries regarding the Welfare Benefits changes. A similar event was held at the Octagon Theatre in Yeovil in April 2014 and the Benefits Team also had a stand there to offer the same service to customers.

Council Tax reforms

There were a number of changes to the Council Tax rules which came into effect on 1 April 2013. A summary of those changes is set out below.

- Removal of 10% discount for Second Homes
- Introduction of an Empty Homes Premium (150% of annual charge) where empty for two years or more
- Introduction of a local discount for properties undergoing or requiring structural works following abolition of national exemption
- The right for Council Tax payers to request payment over 12 instalments (previously 10) 4400 tax payers were on this instalment plan at the end of 2013/14
- Removal of the requirement to provide Council Tax information in paper form to be issued with Council Tax bills.

There was a significant amount of administration required to implement these changes and collect the additional Council Tax due. We were previously able to make special arrangements with tax payers to pay their charge over 12 months where they were in arrears. The ability for tax payers to spread their liability over the whole year proactively helps to avoid arrears from accruing and additional costs and fees being incurred.

Retail Relief – Business Rates

Government introduced a two year Retail Relief for retail businesses with a rateable value of up to £50,000. The relief is worth up to £1,000 a year off the annual business rates charge.

As this is a measure for 2014/15 and 2015/16 only, the Government is not changing legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in guidance, reimburse local authorities that use their discretionary relief powers, introduced by the Localism Act (under section 47 of the Local Government Finance Act 1988, as amended) to grant relief. It is for individual local billing authorities to adopt a local scheme and decide in each individual case when to grant relief under section 47. Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003).

Members agreed to use the Council's discretionary powers to award the above reliefs in accordance with Government guidance at the March 2014 Full Council meeting.

Our initial estimates were that around 700 businesses in South Somerset would qualify for this relief. As we cannot identify all qualifying businesses from the premises description and business name alone, we included a form with the annual business rates bill sent to all businesses. So far we have had 340 applications.

Reoccupation Relief – Business rates

This relief is a 50% discount from business rates for new occupants of previously empty retail premises for 18 months, to help reduce the number of boarded up shops on English high streets. This relief was part of the report on the Retail Relief above.

Annual billing and year end

The annual billing and year end process preparation started in October culminating in the calculation and production of new financial year bills for Council Tax and Business Rates, and award letters for Housing Benefit and Council Tax Reduction. There were a number of software releases that had to be loaded and tested and there were all the additional legislation changes to be handled as mentioned above. It is difficult to convey just how much work this all entailed and the time pressures associated with this scale of change in such a short space of time. The team have done a fantastic job in delivering on an almost impossible task.

Flooding Response – Council Tax and Business Rates discounts

As part of the Council's response to the winter flooding several members of our team went out to affected areas to offer advice and support. In addition, discounts for Council Tax and Business rates were introduced for those affected by the flooding.

Performance

The scale of change meant it was a challenging year for our key performance indicators. We had expected the Council Tax collection rate to fall as a result of the introduction of CTR (which meant there was approximately £1m more to collect than the previous year) along with the technical reforms of Council Tax relating to empty properties. The collection figure was 97.4% compared with 97.81% in 2012/13.

The Business Rates collection figure improved from 96.39% to 98.81% partly due to some successes with businesses who had been in arrears for more than a year paying off those arrears and paying the 2013/14 rates too.

The benefit performance relating to turnaround times of new claims and changes in circumstance was impacted during the first half of the year due to higher workload levels resulting from the changes to Housing Benefit and the introduction of CTR. Performance improved during the second half of the year with the average number of days to process new claims and changes of circumstance being on target from 1 September 2013 (the target being 13 days).

The average time taken to process new claims fell from a peak of 55 days in May 13 to 30 days in March 14. We have changed our work practices for new claims and as a result anticipate the average number of days to fall from 30 days in March to around 14 days by September this year.

Plans for 2014/15

We have a full programme of works this year too. The table below is taken from the Revenues and Benefits Service Plan and sets out the key priorities for 2014/15.

Our Key Priority Areas for 2014/15 are:	
1.	To pilot assisted e-claim use for Housing Benefit/Council Tax Reduction (to develop skills and confidence in self-service – prep. for Universal Credit)
2.	To complete the review of the Council's Business Rates Discretionary Rate Relief Policy and reassess current recipients in time for 2015/16 bills
3.	To change our Business Rates computer system to reduce costs and improve efficiency
4.	To improve service performance and reduce costs
5.	To improve customer access to our services by enabling greater contact and information through our website
6.	To successfully complete the Annual Billing Work Programme for 2015/16
7.	To review level of resources in the Revenues Team following increases in demand from CTR, CT changes and Business rates Retention

Assisted e-claiming

In July we launched the pilot for assisted e-claiming. The purposes of this initiative are to increase the take-up of e-claiming and to help build customer capability and confidence in self-service of this and other Council services. This will also help with the preparations for the introduction of Universal Credit when this is rolled out in our area in the future (2016).

We have further extended the number of web forms available, and in particular for people to tell us about a change of address for Council Tax liability. We anticipate the proportion of notifications coming via the web to increase as this channel has unlimited availability for customers, whereas there are limitations on when the Council is open to personal and telephone callers.

Discretionary Rate Relief Policy Review

The current policy was introduced in April 2000. A Scrutiny Task and Finish Group was set up to work with officers to refresh and update the various elements of discretionary rate relief. Current recipients were given notice in March this year that their award of discretionary rate relief will end on 31 March 2015 in accordance with the legal requirement to give a full financial years notice of a policy change.

The review is well advanced with both internal and public consultation having been carried out. Almost half of current recipients responded to the consultation. A report by the Task and Finish Group went to Scrutiny Committee this month. A report is due to be brought before members in September which will set out recommendations for the revised policy.

Business Rates IT system

We are in the process of changing Business Rates system. We have for many years used the Northgate product for Benefits and Council Tax but a different system for Business Rates. The current system is built on old technology and there are very few Councils still using the product. We have decided that now is the right time to rationalise our IT suppliers by moving Business Rates on to Northgate. We have considerable experience of the Northgate product and this move will make it easier for our team to administer Business Rates as the look and feel is familiar to them.

Improving Performance

The team is continually seeking ways to improve performance and wherever possible reducing costs. For example, in June we changed the order in which we process benefit work, giving priority to claim forms. The majority of these are from people who are not in receipt of Housing Benefit/Council Tax Reduction. If the form is properly completed and all evidence is present we are making a decision the day after the form is submitted. If more evidence is required we are calling the applicant (wherever possible) to ask for it, thus reducing the delay in making a decision. Applicants have up to 1 month to provide the evidence, however we also operate a "Fast Track" scheme. We advise the customer that if they provide the evidence within 3 days we will process the application within a further 3 days. We anticipate the average turnaround time for new claims falling from over 30 days to 12 to 15 days in the coming months.

Improving customer access

We have made some changes to our web content already but will be looking at this in more depth later in the financial year.

Annual Billing 2015

We will start work on the annual billing programme in December 2014.

Resources

We are currently reviewing our resources to determine whether they are sufficient for the demands placed on the team by the changes to Council Tax support, Council Tax and Business Rates and will include some benchmarking. A report will be taken to Management Board in due course.

Financial Implications

None.

Implications for Corporate Priorities

Focus 3 Homes - Minimise impact to our residents of the major changes to housing and council tax benefits proposed by the Government.

Focus 3 Homes – Continue to work to bring empty properties back in to use.

Other Implications

None – this report is for information purposes only.

Background Papers: *FC report 16/01/14 – Item 10: New Build and Empty Property Relief from Business Rates*
FC report 13/03/14 – Item 12: Retail Relief From Business Rates
SC report 01/07/14 – Item 8: Council Tax Reduction Scheme – Year 1 review and thoughts for Year 3

Agenda Item 9

Wincanton Transport & Services Hub Update

Ward Members: Cllrs Colin Winder & Nick Colbert
Strategic Director: Rina Singh, Place & Performance
Assistant Director: Helen Rutter, Communities
Service Manager: Helen Rutter, Area Development Manager East
Lead Officers: Tim Cook, Neighbourhood Development Officer
Nigel Collins, Transport Strategy Officer
Contact Details: tim.cook@southsomerset.gov.uk , (01963) 435025
nigel.collins@southsomerset.gov.uk, (01935) 462951

Purpose

The report updates members on the process of, and progress on developing a Transport & Services Hub in Wincanton.

Public Interest

The Wincanton Hub project will look at ways to provide improved services to local people in a co-ordinated and efficient way and improved transport links to support the existing public transport network.

Recommendation

That members note and comment on the report.

Background

The Rural Transport and Access to Services report was commissioned by SST following an initial report by Yarlington Housing Group's Director of Customer and Community Services.

A Steering group was established comprising of officers from Somerset County Council (SCC), Yarlington Housing Group (YHG), and South Somerset District Council (SSDC). The Steering Group is jointly led by YHG's Director of Customer and Community Services and SSDC's Assistant Director (Economy). The steering group organised stakeholder workshops in February and April 2013 resulting in the establishment of a Transport & Accessibility Focus Group and the appointment through SST funding of a Transport Research Officer as an Intern. The full report sets out:

- The current state of transport provision in South Somerset
- Findings from case studies.
- Primary research undertaken in South Somerset to assess what could be done to improve transport and access to services
- Recommendations to bring forward potential solutions
- Options/methods to link people together with transport solutions (e.g. Community Transport connecting with a main bus route)

The full report can be found on the South Somerset Together website -
<http://www.southsomersettogether.org.uk/current-priorities-and-projects.aspx>

Wincanton Transport Hub

One of the main recommendations was to establish a Transport & Accessibility Hub in Wincanton that:

- Delivers services locally to reduce the need and cost of travel.
- And/or takes people to the service/facility

The issues identified in the original report around public transport and service provision in a rural area is very complicated and requires a range of responses. It is important that solutions are developed and owned locally and a project group has been established to begin to develop Wincanton as a “Hub” for services for residents in the town and the surrounding area. It is hoped that the group will include representatives of the Town Council, The GP surgery, Verrington Hospital, King Arthurs, Transport providers, The Balsam Centre, local sports facilities and the 58 User Group. There is likely to be a separate strand to look at how we can work with local employers to encourage car sharing and use of public/community transport. The first meeting of the group has been set for 4th September.

The “Hub” will initially focus on two aspects:

Take the people to the service/facility i.e. Create a transport hub in Wincanton linking people together with transport solutions.

This strand of work will include physical improvements to the bus interchange. Somerset County Council has allocated funding within the Small Improvement Scheme towards replacing the existing shelter, maintenance and improvements to the information that is available. The project group will look at the opportunities to provide quality, easy to understand information about bus services and local facilities and services. The scheme could also include the provision of street furniture and better signage however; this could depend on the availability of additional funding. Once the group has agreed on the scope of physical improvements we will identify other potential sources of funding. This could include requests for partnership funding from the Town Council, Area East and the Market Town Investment Group. SSC funding already secured (apart from maintenance funds) will have to be spent by the end of this financial year so the shelter replacement will happen this year.

The group will also investigate ways to link people from the rural parishes surrounding Wincanton to established public transport routes using the CAT bus. 26 Parishes in Area East have no access to public transport. Almost all existing bus routes have capacity to take extra passengers with some struggling to maintain viability. This pilot scheme will look at how Community Car schemes and SSCAT can get people to buses serving Yeovil, Stalbridge, Salisbury rather than completing entire journeys which often take one of the SSCAT vehicles off the road for significant periods of time. The Transport Officer is due to meet with SCC officers and the bus operators in September to look at how this can be achieved.

Take the service/facility to the people i.e. Delivery of services locally to reduce the need and cost of travel and improve community cohesion.

Initial ideas about services that could be provided locally were raised through the local consultations and they included Job Centre plus, Yeovil College and some health services. The first stage of this will be to identify gaps in local service provision and to prioritise the

services that could be delivered locally, prepare an evidence base of needs to try to demonstrate that service delivery is viable and to then negotiate with providers.

Somerset County Council coordinated a bid for Department of Transport funding through the Sustainable Transport Fund. This is a highly competitive process and the approach which was based on the work that has been done was always considered speculative. We have recently been informed that the bid was unsuccessful. The bid would have enabled some of the actions related to the use of new technology to have been brought forward but this strand of work will now be developed on a slower track.

Financial Implications

No new financial implications resulting from this report.

Corporate Priority Implications

The Transport & Services Hub will contribute to a range of corporate priorities but specifically towards Focus Four - Work with and lobby partners to help communities to develop transport schemes and local solutions to reduce rural isolation and inequalities to meet existing needs of those communities.

Carbon Emissions & Climate Change Implications

The Hub will promote sustainable transport solutions and local service delivery which will reduce reliance on private car use.

Equality and Diversity Implications

One of the main aims of the hub project is to reduce inequality and improve service accessibility for all.

Agenda Item 10

Heart of Wessex Rail Partnership Update (Executive Decision)

<i>Portfolio Holder:</i>	<i>Cllr Nick Weeks</i>
<i>Strategic Director:</i>	<i>Rina Singh, Place & Performance</i>
<i>Assistant Director:</i>	<i>Helen Rutter, Communities</i>
<i>Service Manager:</i>	<i>Helen Rutter, Area East Development Manager</i>
<i>Lead Officer:</i>	<i>Helen Rutter, Area East Development Manager</i>
<i>Contact Details:</i>	<i>helen.rutter@southsomerset.gov.uk or (01963) 435012</i>

Purpose of the Report

To receive a summary of the work undertaken by the Heart of Wessex Rail Partnership during 2013/14. To consider making a partnership contribution for 2014/15.

Public Interest

The Area has 2 stations on the line at Bruton and Castle Cary. The Partnership actively supports community involvement in improving the stations and encouraging local communities and visitors to utilise the line for a wide range of trips and journeys. The Partnership is resourced by contributions from local authorities, match funded by the rail operator and a large group of volunteers who offer their time and expertise.

Recommendations

That members:

- 1) Note the work undertaken by the Partnership in 2013/14 and that a similar report will be taken to Area South Committee
- 2) Approve a funding contribution of £2,000 from the Members' discretionary budget for 2014/15

Background

Accountability and financial support for the Heart of Wessex Rail Partnership shared between Area East Committee (2 stations along the line) and Area South Committee (one station).

The line has been supported by a partnership of local authorities along the route since 1998 but was revised and expanded in 2003, with an action plan to:

- 1) Widen the Partnership to include local communities and to improve the understanding of and response to local needs along the line
- 2) Improve quality and availability of information promoting the line and its destinations and raise the profile of the service as an alternative to the private car
- 3) Improve station environments & facilities and access to them by other modes of travel

In the last 10 years the Partnership has developed its community arm with significant station investment, improvements to access, promotion and better information from local community groups along the line, including a large number of regular volunteers. The community representatives now have their own working group, which meets quarterly with the train operator and Network Rail.

In October 2011 the line received designation as a community rail service in recognition of its strong support from partner authorities and communities themselves. This gives greater

freedom to the operator and community in running the service and stations. The national objectives for community rail development are to increase revenue, manage down costs and encourage greater community involvement in the local railway

Activities and Results of the Partnership's work

The following headlines are drawn from the 2013/14 Annual Partnership report:

- Passenger journeys grew 5% in 2011-12 to 1,718,000, a further 5.6% in 2012-13 and grew 6.5% in 12 months to date to 1,924,100. The growth on the line continues to outstrip the average for lines in its region (Severn and Solent)
- Service levels remain the same as in 2003 (when passenger journeys were 707,500) meaning that:
 - For every 100 passenger journeys made in the year to 1 April 2003, there were 272 on the same trains in the year to 1 April 2014
 - The line's 'share' of all annual passenger journeys in the Severn Solent region has hence gone up from 9.8% to 14.9%
- The Local Transport Plan for Somerset has a focus on increasing community participation in public transport and the Heart of Wessex Rail Partnership features as an example of good practice. Collaborations of this kind can be very cost effective ways of improving rural accessibility to services and facilities and boost in visitor numbers
- The Heart of Wessex Rail Partnership has an excellent website: www.heartofwessex.org.uk which is very well used by the travelling public
- The Partnership produces the Bristol to Weymouth line guide 3 times a year in editions of just over 30,000 each, providing a detailed guide of the services available. The 2013 - 10th Anniversary – edition featured Top Ten things to do along the line, generating some of the largest feedback ever received. The autumn 2013 edition featured Castle Cary open for business to support the town during the bridge closure. Most recently it has featured Bruton and the opening of the Hauser Wirth Gallery
- "Fixing the Link" emerged as a primary theme in 2013. A small print run of Connecting Up guides were produced, which show walking routes, current key bus connections and general local facilities - for use by station staff, train crews and volunteers
- The Community Rail Working Party (CRWP) began with 6 people in 2003 and held its 10th Anniversary meeting in October 2013 with 24 lead representatives from local communities & voluntary groups
- The Community Projects Grant Fund also celebrated its 10th year with 15% of the rail partnership's budget set aside each year for projects initiated by voluntary/community groups
- In 12 months 13,570 hours of voluntary work has been invested in the line

Services on the Line

A key issue for the Partnership is the extension of the FGW (First Great Western) franchise for a temporary period pending a full retendering exercise. Growth in use of the line has been achieved without any increase in services. The Partnership submitted a business case for an improved service submitted to the DfT for inclusion in the new franchise originally due to start in 2013. The franchise process was delayed and work continues to ensure that the priced option for an enhanced Bristol and Weymouth service will continue to feature in the next Invitation to Tender for the region's services. This was due to occur in 2016 however, DfT has been consulting on extending the FGW franchise to 2020. The Partnership and

SSDC have made representations on this proposal stressing the continued need to respond to overcrowding.

The Partnership has commissioned work into the demand for services/potential demand if more programming was enabled on the line. Whilst in the short-term there is a very low likelihood of additional services being provided, the Partnership is taking a long-term view and seeking to ensure that all opportunities are taken with the re-franchising exercise to protect existing services and, if possible, secure better services in the future.

Funding Support

The annual running cost of the Partnership is in the region of £60,000. This covers: the salary of the Rail Partnership Officer; the printing and promotion of the line guide; upgrades to the Partnership website and a local grants scheme of £10,000 pa to enable the Partnership to match fund local community-led station initiatives. There is a formal Partnership Agreement through which the Unitary/County Authorities with responsibility for Local Transport Plans put in the greatest contribution and participating Districts a lesser amount. The biggest annual funding contributor is First Great Western at £26,250 although they are not signatories to the partnership agreement. The total funding expected in 2014/15 is £59,512. An additional pot of funding for small projects is being made available by First Great Western to enable some additional implementation of station improvements.

The first project using this additional funding was a complete renewal of all station signing at Bruton, replacing existing signs and adding large free standing boards welcoming customers to Bruton. The brand new "Running In Board" for the extreme northern end of the southbound platform had, in particular, been on the community wish list for some time to give visitors from Bristol & Bath a clear early sign that the train was pulling in to Bruton station. This was completed in time for the opening of Hauser & Wirth on 15th July, together with a special focus on the gardens by the Friends and a complete steam cleaning of shelters and footbridge.

Despite some difficulties in securing all partnership contributions last year, there is strong commitment from Partners and the train operating company to continue its work

Financial Implications

There is £10,082 unallocated in the Members' discretionary budget for 2014/15. Under the terms of the Partnership Agreement it is requested that a sum of £2,000 is awarded as a partnership contribution by the Committee for this financial year. If approved a sum of £8,082 will remain unallocated

Corporate Priority Implications

4. Ensure safe, sustainable & cohesive communities

Carbon Emissions & Climate Change Implications

Maximising train travel reduces car journeys and congestion and therefore has a beneficial effect on carbon emissions

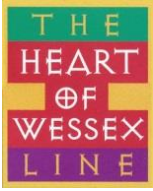
Equality and Diversity Implications

A local train service provides these towns with an alternative to car travel for people without their own independent transport. The Partnership has produced its line guide in large format

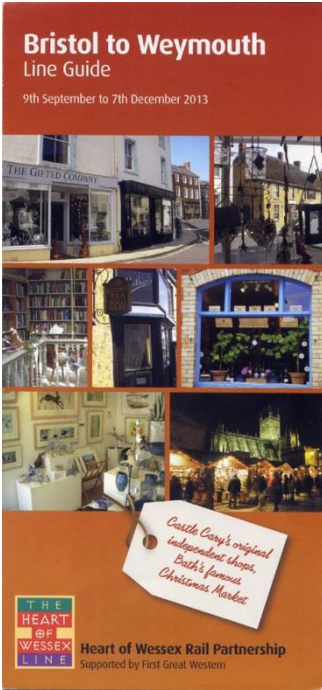
type for easy reading and this is replicated on its website. The train stations themselves have limited access for those with mobility problems on certain platforms.

Background papers

SSDC Partnership Review April 2011, Report to AEC July 2011; Report to AEC December 2011; Report to AEC May 2013;



THE HEART OF WESSEX RAIL PARTNERSHIP



2013/ 2014

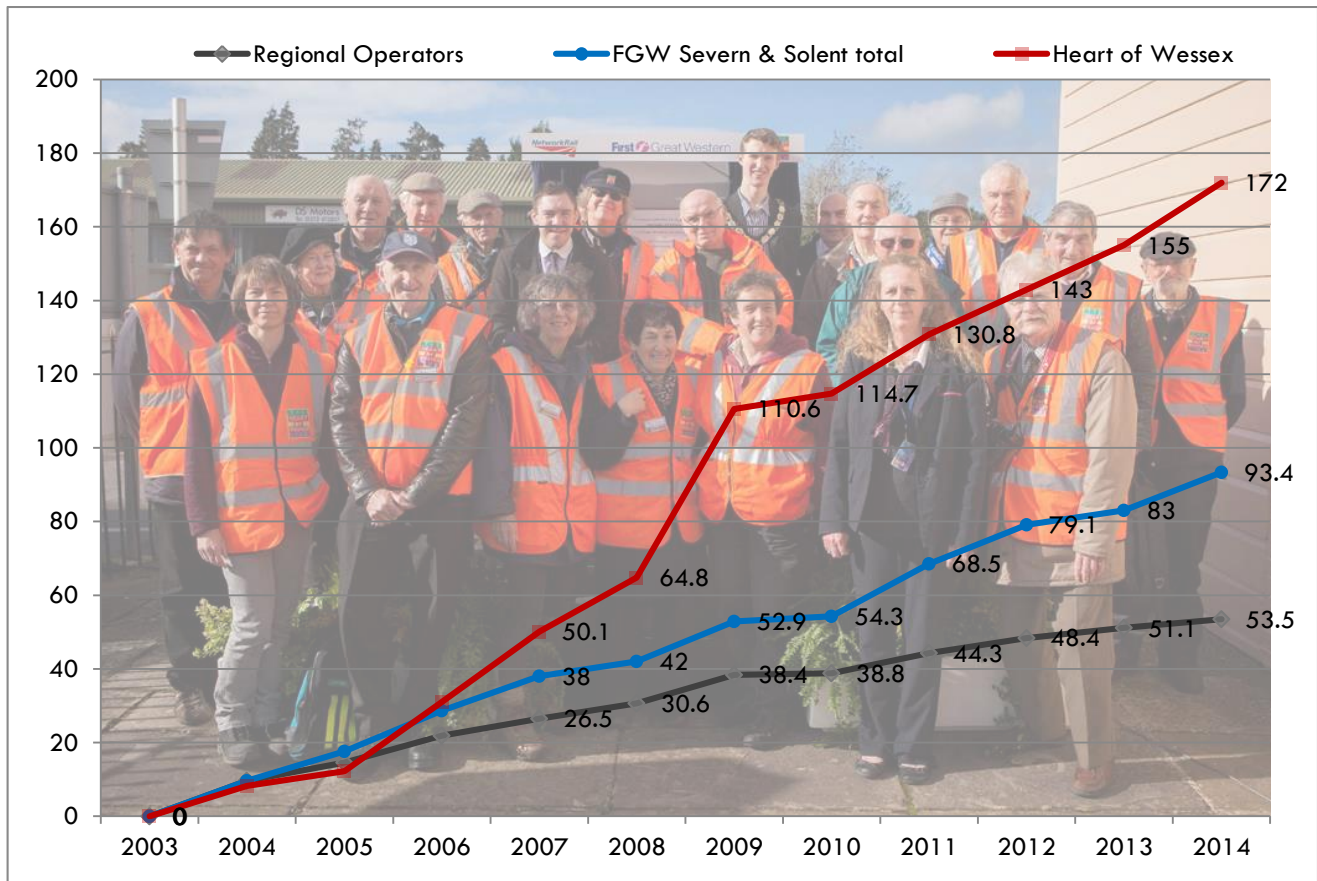
ANNUAL REPORT



THE HEART OF WESSEX RAIL PARTNERSHIP is a joint venture between Bristol City Council, Bath & North East Somerset Council, Wiltshire Council, Somerset County Council, South Somerset District Council, Dorset County Council, West Dorset District Council and First Great Western. The overall objective of the partnership is to raise awareness and use of the Bristol to Weymouth rail services, by marketing and enhancing the line and access to it, and working with local communities along the route

OVERALL RESULTS TO 1ST APRIL 2014

Passenger journeys grew 6.5% in 12 months to 1,924,100. The growth on the line continues to outstrip the average for lines in its region (Severn and Solent¹). In the chart below, cumulative percentage annual growth over 2003 is shown for the Heart of Wessex, the total of eight lines making up the Severn & Solent region and for national Regional Rail Operators²



Service levels remain the same as in 2003 (when passenger journeys were 707,500) meaning that:

- For every **100 passenger journeys** made in the year to 1st April **2003**, there were **272** on the same trains in the year to 1st April **2014**
- The line’s “share” of all **annual passenger journeys** in the Severn Solent region has hence gone up from **9.8%** to **14.9%**






¹ FGW data. SEVERN & SOLENT TOTAL includes total of passenger journeys on: Cardiff-Portsmouth, Bristol-Exeter, Bristol-Weymouth, Bristol-Great Malvern, Bristol-Severn Beach, Bristol-Cardiff, Bath-Filton and Swindon-Westbury. SEVERN & SOLENT, at 12.8 m journeys in 2013/ 2014, represents approximately 13% of FGW’s total passenger journeys.

². Office of Rail Regulation. Regional Rail Operators excludes London and South East.

COMMUNITY RAIL

The partnership's action plan is shaped by the needs of its communities, and direct involvement by local people in supporting, enhancing and promoting the line plays a key role in delivering increased passenger numbers. During the last year **112** people made voluntary contributions to the line, and our joint Task Force approach was further expanded. Increasingly, supporters of one station will go along to help at another, with "mobile teams" of between 4 and 18 gathering to assist with larger projects. For many of our supporters and friends, the social enjoyment from this teamwork is part of the interest and motivation to continue participating in it. In recognition of this, First Great Western supplied tickets for a summer Sunday outing in 2013 to thank everyone for their efforts.

In 12 months
13,570 hours
 of voluntary work
 invested in the line

<p>Station Gardens</p>  <p>8540 hours</p>	<p>Small scale station infrastructure e.g. seating, fencing, community notice boards etc</p>  <p>490 hours</p>	<p>WESSEX WANDERERS: Planning, promoting & leading Guided Walks from stations. Design, print & distribution of literature + new website created and launched</p>  <p>1400 hours</p>
<p>Cleaning, litter picking, recycling</p>  <p>1410 hours</p>	<p>Mobile teams & Task Forces</p>  <p>530 hours</p>	<p>Developing, disseminating, distributing information. Community Tourism projects. Websites: 580 hours</p> <p>Easter Overcrowding Watch: 50 hours</p> <p>Meetings and events: 570 hours</p>

Several of the stations also have a Station Watch scheme into which they have recruited local people, and another benefit of the regular presence of volunteers at unstaffed stations is help and advice for customers.

The **COMMUNITY RAIL WORKING PARTY (CRWP)**

This working group began with half a dozen people in September 2003 and held its **10TH ANNIVERSARY MEETING** in **OCTOBER 2013** with **24 lead representatives** of our local communities & voluntary groups.





The CRWP met three times with First Great Western's Regional and Station Managers, and Network Rail's Community Rail Executive to discuss and progress projects in 2013/14. The issues and aspirations raised at this meeting inform the partnership's ongoing priorities, including the longer term Community Wish List.

THE COMMUNITY PROJECTS GRANT FUND also celebrated its 10th year in October 2013. **15% of the rail partnership's budget** is set aside each year for projects initiated by voluntary/ community groups for equipment and plants for stations and their gardens, small scale infrastructure, community notice boards, tourism, walking or information initiatives and other items they identify to assist rail customers.

PROJECT HIGHLIGHTS 2013/14



The community of this lovely village have transformed their station over the last few years. They established stunning station gardens in 2008, recovered and reinstalled an original running in board in 2010, and in 2013 recovered yet another original part of their station and brought it home again. This board needed specialist help from the conservators at Cardiff University before it could be framed and installed at the station, where it was unveiled in August at a special community event hosted by First Great Western.



The footbridge, restored to superb heritage standards by Network Rail, was opened at a special event in summer 2013. The team restored and replaced two additional heritage style seats for customers.



The removal of the temporary bridge left yet another area for planting (left) in these magnificent, constantly evolving station gardens, which won the **BRADFORD IN BLOOM AWARD 2013**.





The new **Friends of Westbury Station** created three large, custom designed planters in December 2013. Minister of State for Transport, Baroness Kramer planted the first shrub for them on 7th February 2014, and took the opportunity



to chat to task force volunteers from our other stations who were there to help complete the planting.



Prior to a special event to thank Network Rail for their magnificent renovation of Frome Station, 18 volunteers from Bristol to Weymouth gathered for a big team clean up, matched by an equal number of Network Rail staff. Work was completed for the arrival of VIP guests from Frome Town Council & the local community, who were treated to a delicious lunch by First Great Western.

BRUTON & CASTLE CARY



The Friends of Bruton Railway Station further developed their excellent "insider's"

website www.brutoncarytrains.co.uk and the Castle Cary Community Tourism Group produced their superb guide for visitors.





YEOVIL PEN MILL station became a glorious **shop window** for the town's famous annual summer transformation by the **YEOVIL IN BLOOM** team. A banner advertised the town to customers passing through on trains, and Pen Mill was our winning station for local produce in 2013 – with free beans from the Yeovil in Bloom planters and apples from the station gardens!



The award winning **FRIENDS OF DORCHESTER WEST** work with Cowden Care Farm, helping young people with learning difficulties to acquire new skills, in this case designing and building new planters & crafting replacement picket fencing. Other new developments from this dynamic group in 2013/14 were a composting area and a water butt. The Friends work at the station every Friday



morning throughout the year, collecting, sorting and recycling rubbish and undertaking regular (turbo charged!) cleaning operations, in addition to further developing the gardens.



THE FRIENDS OF UPWEY STATION are at their station every week, often more than once, cleaning and litter picking, and keeping a close watch – problems with ticket machines and information systems hence get sorted here as quickly as they would at a staffed station!



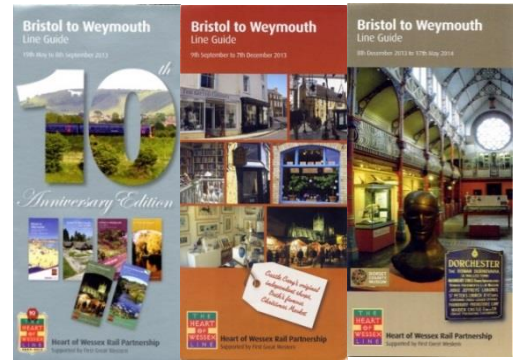
A leaflet dispenser for the Line Guide was installed, and their station gardens also continue to grow, with new planters and beds created over the last twelve months.

They also take on special “missions” along the line such as collecting and delivering Line Guides, and monitor train capacity and overcrowding at peak periods.



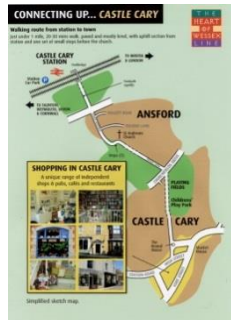
LINE GUIDES

The 10th anniversary edition of the Line Guide featured Top Ten things to do along the line – generating some of the largest feedback ever received (apparently a common reaction to such lists!). Autumn featured Castle Cary, Bath and Bristol, and Winter/Spring 2014 was a special joint edition with Dorset County Museum featuring Dorchester’s historical, literary and retail attractions.



Demand for hard copies remains high despite the increasing general trend away from print. Although some distribution points have reduced quantities, they are balanced up by those requesting more (often citing the easy read, large print timetable). Hence the print run per edition remains at 30,000 copies.

CONNECTING UP



Making it easier for people to find their way from/to stations (“Fixing the Link”) emerged as a primary theme in 2013/14. Connecting Up guides - which show walking routes, current key bus connections and general local facilities - were also produced in small print runs for the use of station staff, train crews and volunteers, in addition to being available digitally.

A detailed survey (with Dorset County Council, West Dorset District Council & Station Friends) was undertaken in January 2014 of the pedestrian route between Dorchester West and Dorchester South, and a new signing improvement project based on this is now underway.



At Yeovil Pen Mill, in direct response to customer feedback, a special project for additional signs at key points was implemented at the end of the year



PROGRESS AGAINST LINE PLAN 2013-2016

Funding partners' priority areas from Designated Line Plan (page 4) used here to sum up key 2013/14 projects. Full plan on request or from the website. **Brown** text: supported by Community Projects Grant Fund.

PARTNERS' PRIORITY AREAS	2013/14
1. ECONOMIC DEVELOPMENT	
Promoting more use of the line to the benefit of local economies	Line Guide: Bristol, Bath, Castle Cary, Dorchester & "Top Ten things to do along the line" Wessex Wanderers Guided Walks Limpley Stoke Valley guide
Making it easy for visitors to understand and use services, stations and connections	Dorchester Station to Station signing project Yeovil 68 bus link information improvements www. Brutoncarytrains.co.uk C Cary Community Tourism "Visit us by Train" Line guide includes maps, tips, connections
Stations as community gateways and "shop windows" to destinations	Yeovil in Bloom at Pen Mill Several significant improvements to station appearance, esp. Freshford, Bradford on Avon, Westbury, Frome, Dorchester West Gardens: 10 Grants for additional projects Community notice boards
Supporting and promoting local businesses	Line Guide. Castle Cary Community Tourism "Visit us by Train" Maiden Newton Community Welcome poster
2. CARBON REDUCTION, HEALTH & STAYING SAFE	
Encouraging more people to switch to rail by assisting new users to understand services, stations and connections	Connecting Up guides. Participation in Dorset County Council's personal travel planning project.
Continued improvement of station facilities/ making stations feel safer and more welcoming	Station Adoption: 14 stations now adopted. Total volunteer hours at stations: 10,970 Small scale infrastructure improvements: Freshford, Westbury, Bradford on Avon, Dorchester West
Encourage, facilitate and promote more walking to/from stations	Connecting Up guides, CC Community Tourism, Wessex Wanderers.
3. LOCALISM	
Manage, motivate, sustain and build community contributions to the line	3 Community Rail Working Party (CRWP) meetings 5 updates of CRWP "The Matrix"(short, medium and long term action areas/ community wish list) 23 Grants for Community Projects 3 Task Force/ special joint events
4. ACCESSIBILITY	
Assist understanding of connections, services and stations & those with visual and learning difficulties	Yeovil Pen Mill signing project Connecting Up guides Large print TT in Line Guide.

Agenda Item 11

Area East Forward Plan

Head of Service: Helen Rutter, Area Development Manager
Lead Officer: Anne Herridge, Democratic Services Officer
Contact Details: anne.herridge@southsomerset.gov.uk or (01935) 462570

Purpose of the Report

This report informs Members of the agreed Area East Forward Plan.

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

Area East Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact the Agenda Co-ordinator; Anne Herridge.

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
10 Sep 14	The Balsam Centre		James Divall SSDC
10 Sep 14	6 mthly Streetscene update	To update members of the service, plans for the autumn and achievements during the summer	Chris Cooper SSDC Street Scene Manager
10 Sep 14	AE Community Funding Support Schemes 2013/14	To give a summary of community projects and activities from across the area supported with grants during 2013/14	Tim/James/ Pam Neighbourhood Development Officers SSDC
8 Oct 14	Community Offices and funding SLA for LICs	Annual report on trends, visitors etc. Report on work of LICs	Lisa Davies Community Office Manager
8 Oct 14	106 Monitoring report	To update members on current position of 106 agreements	Neil Waddleton SSDC
8 Oct 14	Affordable Housing development programme	To update members	Colin MacDonald
12 Nov 14	Area Development Plan Report	To inform Members of progress on activities and projects contained within the Area Development Plan (6 mthly now)	Helen Rutter ADM SSDC
12 Nov 14	Highways update (1/2yrly report)	To update members on the total works programme and local road maintenance programme	SCC John Nicholson
12 Nov 14	Funding award the LEADER Programme for rural Economic Development	The outcome of applications for funding the LEADER Programme for Rural Economic Development	Helen Rutter AD Communities
10 Dec 14	Countryside Report	Annual update	Katy Menday/ Rachel Whaites Countryside Manager
10 Dec 14	Community & Leisure Grant applications	6 monthly update	Tim Cook, Pam Williams, James Divall Steve Barnes
10 Dec 14 TBC	Retail Support Initiative update	6 monthly Outturn report	Pam Williams

Agenda Item 12

Date of the Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on **Wednesday, 10th September 2014** at 9.00 am.

Agenda Item 13

ITEMS FOR INFORMATION

The following report is for information only should members have questions regarding it please contact the officer concerned. If after discussion with the officer, and with the Chairman's agreement, a member may request the item to be considered at a future committee meeting.

1. Appeals

Planning Appeals

Head of Service *Martin Woods, Assistant Director (Economy)*
Lead Officer: *Dave Norris, Development Control Manager*
Contact Details: *Dave.norris@southsomerset.gov.uk or (01935) 462382*

Purpose of the Report

To inform members of the decisions of the planning appeals lodged, dismissed or allowed as listed below.

Appeal Allowed subject to conditions*

Parish/Town	Application No.	Description and Location	Applicant(s)	Officer's Recommendation	Committee Decision
Rimpton	13/04563/S73A	Section 73A application to vary condition 4 of planning permission 04/03187/COU to allow the annexe to be rented while retaining it as part of the Barton Farm dwelling unit so that it could not be sold separately in the future. At Barton Farm, Middle Street, Rimpton BA22 8AQ	Mr P O'Brien	Refusal	N/A
West Camel	13/01328/COU	Change of use of converted annexe to dwelling (Retrospective) at the Annexe Manor House Parsonage Road West Camel Yeovil.	Mr A Hamilton	Refusal	N/A

Appeal Dismissed*

Parish/Town	Application No.	Description and Location	Applicant(s)	Officer's Recommendation	Committee Decision
Keinton Mandeville	13/05130/OUT	Outline application for residential development, new vehicular access, open space and associated works at land east of Manor Park Keinton Mandeville Somerton	H&S Developments Ltd	Refusal	N/A

Application Withdrawn

Parish/Town	Application No.	Description and Location	Applicant
Yeovilton	13/01192/FUL	Proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks and ancillary equipment.	Mrs R Humphreys

*Papers attached

Financial Implications

None

Background Papers

Planning Application files



Appeal Decision

Site visit made on 3 July 2014

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2014

Appeal Ref: APP/R3325/A/14/2213458

Barton Farm, Middle Street, Rimpton, Yeovil, Somerset, BA22 8AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Peter O'Brien against the decision of South Somerset District Council.
 - The application Ref 13/04563/S73A, dated 9 November 2013, was refused by notice dated 16 December 2013.
 - The application sought planning permission for the conversion of outbuilding to dwelling annexe without complying with a condition attached to planning permission Ref 04/03187/COU, dated 1 December 2004.
 - The condition in dispute is No 4 which states that: *The accommodation to be provided within the development hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Barton Farm.*
 - The reason given for the condition is: *The building is in a location where a new dwelling would be unsustainable and to accord with policy ST3 of the South Somerset Local Plan Deposit Draft 1998.*
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of outbuilding to dwelling annexe at Barton Farm, Middle Street, Rimpton, Yeovil, Somerset, BA22 8AQ in accordance with application Ref 13/04563/S73A, dated 9 November 2013, without compliance with condition No 4 previously imposed on planning permission Ref 04/03187/COU, dated 1 December 2004, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the additional condition set out in the annexe to this decision.

Preliminary matter

2. The description of the originally approved development relates to the provision of a dwelling annexe. However, notwithstanding this description, the property subject of the condition in dispute is a reasonably sized single storey building of solid construction clearly separated and set well apart from the dwelling known as Barton Farm. The building has 2 bedrooms, a kitchen/diner/lounge and bathroom, and is physically capable of being occupied as a small dwelling.

3. The 2004 planning permission was implemented some time ago, and the building has recently been let as a dwelling in breach of the condition in dispute. The effect of removing the condition in dispute would be to allow the continued use of the building as a separate dwelling, independent of Barton Farm. I shall proceed on this basis.

The main issues

4. The main issues are: (a) having regard to local and national policies governing residential development in the countryside and the principles of sustainable development, whether the continued imposition of the condition in dispute is necessary, and (b) the implications of removing the condition in dispute on the living conditions of the occupants of Barton Farm and the proposed dwelling with particular reference to noise & disturbance, amenity space and privacy.

Reasons

Sustainability and the need for the condition

5. The provisions of policies ST3 & ST5 of the South Somerset Local Plan (LP) (2006) are designed, in combination, to strictly control development outside designated development areas and to promote patterns of land use and transport which reduces the need to travel, minimizes the length of journeys and provides accessibility by a choice of means of transport. Development outside defined settlements is restricted to that which benefits economic activity and does not foster growth in the need to travel.
6. Rimpton is not a defined settlement for the purposes of local policy, is relatively isolated in the Somerset countryside, and its public transport provision is poor. The Council considers that the removal of the condition would be tantamount to the creation of a new dwelling at odds with the thrust of LP policies ST3 & ST5.
7. Nevertheless the Council has indicated '*..that an application for holiday lettings is an alternative use that would/could be supported, and for which conditions are capable of controlling the situation..*'. In this respect, a holiday use would presumably rank as '*economic activity*' for the purposes of LP policy ST3, although those holidaying would probably need the use of a car both to travel to Rimpton from their homes, and to move around once they had arrived.
8. The local policies referred to generally conform to the principles of sustainable development set out in the National Planning Policy Framework (the Framework), in particular, that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.
9. However, LP policy ST3 is at odds with an aspect of national policy expressed at paragraph 55 of the *National Planning Policy Framework* (the Framework) on the re-use of redundant or disused buildings in the countryside. The conflict arises over the need in policy ST3 to restrict all development outside defined settlements to that which benefits economic activity. No such requirement arises in national policy on the conversion of disused buildings. In view of this conflict with national policy, this aspect of LP ST3 in its application to

redundant or disused buildings in the countryside attracts very little weight in the context of the Framework's advice at paragraph 215.

10. The original reason for imposing the condition may have been appropriate given the provisions of local, albeit draft, policy at the time. In the light of the Framework's up-to-date policy advice, however, and since the evidence points to the original cowshed having been redundant, dilapidated and its conversion resulted in an enhancement, the original reason for imposing the condition in dispute is no longer apposite. Whilst the building was originally converted to provide residential accommodation for the appellant's parents, circumstances have changed and national policy is not now inimical to conversion to permanent residential use in specified circumstances, such as this.
11. Consequently, I conclude that whilst local policy may support the continuing imposition of the condition in dispute, the more up-to-date policy advice contained in the Framework points to such a condition being unnecessary. The provisions of the Framework - an important material consideration attracting significant weight - indicate to me that the provisions of LP policies ST3 & ST5 should not prevail in this instance.

Living conditions

12. Residents of the two dwellings, if independent of one another, would share an access, and the occupants of the converted building would need to pass the front of Barton Farm to get to their dwelling. Thus the Council considers that much activity would take place *'..under the nose of occupants residing in the original dwelling.'*
13. However, shared access arrangements are not uncommon, even in modern development, and the proposed arrangements that I saw would not give rise to the harmful effects feared by the Council. Moreover, the access arrangements would be the same were the converted building used for holiday accommodation, for which the Council indicated support. The Council's approach is therefore inconsistent in this respect.
14. Barton Farm would have ample external amenity space provision to the rear, but would lack privacy. The existing amenity space provision for the converted building is very limited; it also lacks privacy, and is therefore unacceptable.
15. However, sufficient space is available to provide for the reasonable amenity requirements of the future residents of both dwellings. This could be achieved by the imposition of a suitably worded condition. An acceptable scheme would include an appropriate subdivision to create separate curtilages, the removal of some of the concreted area in front of the converted building and its replacement with greenery, and the means to provide acceptable mutual levels of privacy.
16. I conclude that, subject to the imposition of an appropriate condition to achieve private amenity space for the residents of Barton Farm and the converted building, the removal of the condition in dispute would not result in harm to the residents of either property by reason of noise & disturbance, lack of privacy or inadequate amenity space. Accordingly, no conflict arises with those provisions of LP policy ST6 designed to safeguard residential amenity from the possible ill-effects of new development.

Conditions

17. The Council has not suggested the imposition of any conditions. For the reasons already explained, I consider that a condition is necessary to ensure that both properties have an appropriate level of separation and private external amenity areas of a reasonable size. It is also necessary and that such provision is made within an agreed, acceptable period.
18. The appellant offered a condition the effect of which would be to prevent the converted building being sold. I do not consider this necessary, since the tenure of the converted building is not material to the effects of its use.

Other matters

19. The new national *Planning Practice Guidance* was published earlier this year, but having regard to the facts in this case and the main issues identified at the outset, it has no material bearing on my conclusions.
20. All other matters raised in the representations have been considered but none is of such strength or significance as to outweigh the considerations that led me to my conclusion.

G Powys Jones

INSPECTOR

Annexe – The additional condition

1. The use of the appeal property as an independent dwelling shall cease within 3 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i. Within 3 months of the date of this decision a scheme*, as detailed below, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii. If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii. If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv. The approved scheme shall have been carried out and completed in accordance with the approved timetable.

*The **scheme*** shall include: a plan(s) depicting the respective curtilages; the extent and layout of the external amenity areas to be provided to Barton Farm and the converted building respectively, and details of the means of enclosure to each property to provide privacy.*

Appeal Decision

Site visit made on 11 June 2014

by Ms T L Dow BA, Dip TP, Dip UD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 June 2014

Appeal Ref: APP/R3325/A/14/2215075

The Annex at The Manor House, West Camel, Yeovil, Somerset, BA22 7BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Hamilton against the decision of South Somerset District Council.
 - The application Ref 13/01328/COU dated 20 February 2103, was refused by notice dated 13 September 2013.
 - The development is described as: Change of use from converted annex to dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for Change of use from converted annex to dwelling at The Annex at The Manor House, West Camel, Yeovil, Somerset, BA22 7BQ, in accordance with the terms of the application Ref 13/01328/COU dated 20 February 2103, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 140213-01A (location and block plan) and 140213-02 (floor plans and elevations), both dated February 2013.
 - 2) The area allocated for parking and turning on plan 140213-01A shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles used in connection with the development hereby permitted or the residential occupation of the Manor House.
 - 3) Unless within three months of the date of this decision, a flood evacuation plan and a scheme detailing flood resilience measures is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within six months of the local planning authority's approval, the use of the site for occupation as a separate dwelling shall cease until such time as a scheme is approved and implemented.

Procedural matter

2. It is clear from the evidence and the site visit that the building is already being occupied as a self-contained dwelling. I have dealt with the appeal on this basis.

Main issues

3. The main issues are: (i) the effect of the use of the existing access on highway safety; and (ii) the risk to occupiers of the building from flooding.

Reasons

Highway safety

4. The appeal property is a separate building within the grounds of the Manor House, a Grade II listed building. The site is also within the West Camel Conservation Area. Planning permission was granted for residential use of the appeal building in 1988 (ref 31/88/2255), subject to a condition that it should remain as ancillary accommodation to the main dwelling. The conversion was carried out in 1991/92. Since 2008 or thereabouts, the accommodation has been independently let.
5. Off-street parking and turning for the dwelling would be provided to the rear of the building, accessed from Back Street via the existing gated entrance, which also serves the Manor House. The Council is concerned about the intensification of the use of the access on the grounds that visibility in both directions when emerging from it, is sub-standard and because of its proximity to the junction with Parsonage Road. There is no evidence before me of any accidents in the vicinity of the site.
6. The access gates are set back a little from the adjoining Manor House boundary wall and the appeal building. The boundary wall follows the sweeping curve of the corner as Back Street and Parsonage Road merge at the junction. In front of the gates, a dropped kerb has been created and to either side is a kerbed footpath of approximately one metre. This allows a vehicle to pull past the gates to achieve some visibility along the road in both directions, without affecting traffic turning into Back Street to an unacceptable extent. Although the access is quite close to the junction, the bend is not tight and so visibility around it is not unduly restricted. I witnessed at my site visit that, although some traffic passes along Parsonage Road at speeds higher than the 30mph speed limit, traffic turning into Back Street slows to navigate the corner. Traffic heading towards the bridge also tends to slow down as it passes the junction because the road narrows at the bridge to a single lane. Although the access is not ideal in terms of visibility and location, in the circumstances, I do not consider it to be unsafe.
7. I am also mindful that the building has been in use for many years. Although the authorised use is not as a separate dwelling, the annex would, nonetheless, have increased the accommodation available to the Manor House by providing a unit capable of being occupied independently. This may well have resulted in an additional vehicle using the access. In this regard, the proposed use is not materially different to the authorised use and neither is the risk to highway safety materially different.
8. I conclude that there would be no conflict with saved Policy ST5 of the LP. This policy seeks to ensure that new development makes provision for a satisfactory means of access into and within the site. Likewise, I am satisfied that there would be no conflict with the National Planning Policy Framework (the Framework), paragraph 32 of which seeks to ensure that safe and suitable access can be achieved. It also seeks to ensure that

development is only prevented where the residual cumulative impacts are severe.

Flood risk

9. The site lies within Flood Zone 3b as defined in the Council's Strategic Flood Risk Assessment. It is not in dispute that under the Framework this change of use application is not subject to the Sequential or Exceptions tests. A Site Specific Flood Risk Assessment is required and has been provided by the appellant, although the level of detail within it is limited. The Framework states at paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Although the Framework points to technical guidance on flood risk, it has been replaced by the Planning Practice Guidance (Guidance). Paragraph 48 of the Guidance states that a change of use may involve an increase in flood risk if the 'vulnerability classification' of the development is changed. The vulnerability of buildings used as dwellings are classified as 'more vulnerable'. There is nothing to indicate in the Guidance that an annex used ancillary to a dwelling would be classified differently. Although, therefore, Table 3 at paragraph 67 of the Guidance states that, in Flood Zone 3b 'more vulnerable' development should not be permitted, no change in the vulnerability classification is proposed in this case.
10. In terms of the potential increased risk from the change from ancillary accommodation to a dwelling in its own right, the planning permission granted in 1988 authorised a fairly large annex with all amenities. In practice, the building has been capable of being occupied independently by more than one person ever since it was converted. It has its own bathroom, kitchen, lounge and sleeping accommodation. As a consequence, occupants need not have been reliant on the main household. Given that it is not proposed to increase the overall size of the unit, the change of use in this instance would not be likely to result in a material increase in the number of occupants.
11. In the circumstances of this particular case therefore, given that the Flood Risk Vulnerability Classification is unchanged and there would be no material difference in terms of the amount or type of accommodation provided, the change of use would not put occupants at any greater risk from potential flooding. As such there would be no conflict with saved Policy ST5 of the LP which, amongst other things, seeks to ensure that proposals avoid placing people and property at risk from flooding. Likewise, I am satisfied that the requirements of the Framework have been met.

Other matters

12. I am required by the Act¹ to have special regard to preserving and enhancing the character and appearance of the Conservation Area and to preserving the setting of the listed building. No objection has been raised on these grounds and given that no external changes are proposed to the appeal building or the parking area, I am satisfied that the development would preserve those interests.

¹ Planning (Listed Buildings and Conservation Areas) Act 1990.

Conditions

13. The Council suggested a condition in respect of the commencement of development. However, since the appeal is retrospective, this condition is unnecessary. The Council's suggested condition relating to the approved plans is needed however, because the use occupies part of a larger building and the overall extent of the approved living accommodation is pertinent to the issue of flooding. I have also imposed the Council's requested condition relating to the retention of the parking and turning area which is needed in the interests of highway safety. Finally, the proposed condition relating to a flood evacuation plan and resilience measures is required, as the appeal seeks to regularise the use as a separate dwelling in the functional flood plain, and the Environment Agency has made it clear that there is no flood warning service for this area.

Conclusion

14. For the reasons given above I conclude that the appeal should succeed.

T L Dow

INSPECTOR

Appeal Decision

Site visit made on 10 June 2014

by Roger Pritchard MA PhD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 July 2014

Appeal Ref: APP/R3325/A/14/2217950

Land to the East of Manor Park, Keinton Mandeville, Somerset, TA11 6EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by H & S Developments against the decision of South Somerset District Council.
 - The application Ref 13/05130/OUT, dated 20 December 2013, was refused by notice dated 18 March 2014.
 - The development proposed is residential development, a new vehicular access, open space and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

The site visit

2. At the site visit, no representative of the Council attended at the appointed time. I asked the appellants' agent to contact the Council who appeared unaware of the date and time of my visit. Rather than disrupt my programme for the rest of the day, I suggested to both parties that I conduct an unaccompanied site visit. They agreed to this – the Council confirming its agreement later in writing - and I carried out the visit unaccompanied.

Description of development

3. The description of the proposal on the application was, "*Residential development for a maximum of 30 dwellings, new vehicular access, open space and associated works*". The application was in outline with only details of access for approval at this stage; all other matters being reserved. However, following discussions with Council officers, the appellants submitted a revised indicative site layout, the consequence of which would be to reduce the developable area. In these circumstances, where a maximum of 30 dwellings was no longer feasible, the appellants asked for that reference to be removed from the description of development and for the proposal to be considered on the basis of the revised indicative site layout, which illustrates a development of 20 dwellings. This I have done.

Agricultural land quality

4. In refusing the application, the Council referred to insufficient information being provided as to the economic and other benefits of using the best and most versatile agricultural land. However, after lodging the appeal, the appellants

commissioned and submitted an agricultural land assessment by Soil Environmental Services. The assessment demonstrated that, based on soil typology, the classification of the appeal site was overwhelmingly 3b, i.e. land of moderate quality, capable of producing moderate yields of a narrow range of crops and lower yields of a wider range of crops. The Council accepted the assessment and thereby withdrew this reason for refusal. I concur with the Council and have not considered agricultural land quality as a reason for dismissing the appeal.

Main Issues

5. I consider the main issues to be -
- i) The effect of the proposed development on the character and appearance of the surrounding area, particularly the existing built form of the village of Keinton Mandeville; and
 - ii) The effect of the proposed development on the setting of the listed building known as the Tithe Barn.

Reasons

Background

6. The appeal site is on the eastern side of the village, to the rear of Manor Park, a modern residential cul-de-sac of eight detached dwellings. It comprises an enclosed agricultural field laid to rough pasture. Vehicular access would be through the south west corner, linking to the turning head of the Manor Park development. The levels of the appeal site are relatively flat though with a slight fall from north to south. Two overhead power lines run across the site, which would be relocated underground as part of the development. The appeal site is bounded to the north, east and south by agricultural land and would represent a significant eastward extension of the village envelope well beyond its current development limits. 35% of the proposed dwellings would be affordable in accordance with both Policy HG7 of the South Somerset Local Plan 2006 and Policy HG3 of the emerging Local Plan.

Housing land availability

7. At the time that the application was considered, the Council accepted that South Somerset could not demonstrate a five year supply of available housing land. That position had been confirmed by colleagues in considering appeals at Wincanton (Council Ref. 11/02385/OUT) and, more recently in October 2013, at Templecombe (Council Ref. 12/03277/OUT). In these circumstances, the Council had conceded that its housing policies were out-of-date and, as advised by the National Planning Policy Framework ('the Framework'), applications for residential development should be considered in the context of the Framework's presumption in favour of sustainable development.
8. However, a review of recent evidence caused the Council to revise its position on housing land supply. A report to Council on 5 June 2014 concluded that even taking account of a 20% buffer and the need to address a backlog in the first five years of the emerging Local Plan, South Somerset had an available housing land supply of five years and one month.
9. The change of circumstances is material. However, the appellant has challenged the Council's position in respect of three elements of the revised

calculations. These are that the Council has incorrectly applied the 20% buffer by ignoring the backlog that must form part of the supply calculations, has overestimated the contribution of windfall sites which do not yet have the benefit of planning permission, and has included sites at Yeovil and Ilminster that lie within areas for future expansion that are subject to objections. These matters are likely to be considered as part of the reconvened Examination into the emerging Local Plan that opened on 10 June 2014.

10. I have no means of knowing what conclusions my colleague may draw in respect of the scale and distribution of housing land supply when examining the emerging Local Plan. However, I consider that, at present, there remains a degree of uncertainty as to whether or not the Council's proposals to meet that issue will be found to be sound. In these circumstances, it would be premature for me to confirm or reject the Council's claims to have now achieved a five year supply of available housing land as advised by the Framework.

The sustainability of the appeal site

11. The Council accepts that Keinton Mandeville is a suitable location for 'modest' development that could help sustain its community – 'modest' is not defined. That view reflects Policy SS2 of the emerging Local Plan which supports limited development in rural settlements such as Keinton Mandeville, which have at least a basic ranges of services - primary school, shops, public house, village hall, church, recreation ground, bus service etc. - and where development would be, '*...commensurate with the scale and character of the settlement.... and increase the sustainability of [the] settlement in general.*'
12. The Council points out that Policy SS2 has not been questioned by the Local Plan Inspector's preliminary findings and was not debated at the reopened examination in June 2014. I therefore conclude that emerging Policy SS2 can be given substantial weight. The Council's also concedes that the proposed development cannot '*...be dismissed out of hand...*' as 'unsustainable' because it is outside the present settlement boundary of Keinton Mandeville. Such development could be appropriate even were a five year housing land supply now to be in place, as weight should still be given to the contribution it would make to the provision and choice of housing in South Somerset.
13. Nevertheless, as the Framework emphasises, sustainability has multiple dimensions and economic and social benefits in terms of additional housing have also to be considered against an environmental role – as, for example, in contributing to protecting and enhancing '*...our natural, built and historic environment.*'
14. I conclude that the proposed development must therefore be considered against paragraph 14 of the Framework, i.e. permission should only be refused if significant and demonstrable adverse impacts outweigh a presumption in favour. The Council advances two arguments which seek to demonstrate that the proposed development would generate such significant and demonstrable adverse impacts.

The effect of the proposed development on the character and appearance of the surrounding area

15. The first is that the proposed development, by extending the village substantially to the east, would disrupt the historic form of Keinton Mandeville

in a manner that would substantially and adversely impact on its character. The historic layout of the village is a rough 'T' with Queen Street forming the upright. Development has been traditionally limited in depth. However, the late 20th century saw some breaches in that pattern, predominantly on the western side, but also to the east where some new housing, of which Manor Park is an obvious example, has been constructed to the rear of the traditional street frontage.

16. The proposed development would substantially extend that trend, creating a large body of new development beyond the current building line that would intrude into the open countryside. The block of new development would bear no relationship to the existing form of the village and would be surrounded on three sides by agricultural land. The overall impact, of what would be a large development for a settlement of this size, would be to alter fundamentally the character and appearance of the eastern side of the village and its relationship to the adjoining landscape.
17. That landscape comprises a network of relatively small, hedge-bound fields and provides the setting for the village. By projecting into the open countryside, the proposed development would radically alter the visual impression of this side of the village when seen from neighbouring footpaths and other viewpoints in its containing, wider landscape. The outcome would be severely discordant in my view. Furthermore, I accept that the buffer formed by planting an orchard along the eastern side of the proposed development, as now suggested in the context of the revised, indicative site layout, would provide only marginal mitigation for the material harm created by the proposed development's impact.
18. The built-up area of Keinton Mandeville adjoining the proposed development is not a Conservation Area, nor does the adjacent landscape carry any special designation as might warrant its receiving special protection. Nevertheless, the recently published Planning Practice Guidance emphasises the need for development not to sacrifice local character and distinctiveness. In terms of its scale and relationship to the existing settlement, I conclude that the proposed development would be significantly and demonstrably unsympathetic to that character and distinctiveness.
19. I therefore conclude that the proposed development would be contrary to Policies EC3, ST5 and ST6 of the South Somerset Local Plan 2006 in that it would fail to respect the form, character, setting and distinctiveness of the locality and result in unacceptable material harm to the character and quality of the local landscape. I draw that conclusion taking account of the degree to which the proposed development could meet the terms of Policy SS2 of the emerging Local Plan and provide a contribution to both the scale and diversity of housing provision. I also conclude that the proposed development would not be sustainable in the wider terms set out by Paragraph 7 of the Framework.

The effects on the setting of the listed building known as the Tithe Barn

20. The second argument that the proposed development would result in significant and demonstrable adverse impacts arises from its suggested effects on the setting of the neighbouring listed Tithe Barn. The Barn is constructed of local stone and with a hipped roof with clay pantiles. Thought possibly to be of 15th century origin, the Barn sits immediately to the north of the existing residential

development, between it and Manor House Farm and would be around 30 metres from the nearest corner of the appeal site.

21. Although the Council contends that the existing development has had only a limited impact on the setting of the Tithe Barn, this was not the impression I formed at my site visit. The proximity of the nearest Manor Park houses to the Barn – well under 10 metres – and the extension of the estate to the east have created a setting for the listed building that is already dominated by modern residential development. The permission to construct a garage within the Barn's curtilage (Council Ref. 10/0118/FUL) has added to the sense that the Barn is no longer within a 'rural setting', as the Council argue, but is now dominated by a domestic environment alien to its original agricultural purpose.
22. Furthermore, I agree with the appellants that, such is the prevalent visual impact of the existing development that views to and from the Barn towards the proposed development would be seen in that context. The proposed development would result in some limited increase in the context of neighbouring residential development. However, I conclude that it is at sufficient distance and could be sufficiently screened that its presence would not fundamentally alter the setting of the listed building and, therefore, its significance.
23. I therefore conclude that the proposed development would not have a significant adverse impact on the setting of the listed building and would not be contrary to national policy or to Policy EH5 of the South Somerset Local Plan.

Other matters

Unilateral Undertaking

24. Although the absence of a Unilateral Undertaking made under section 106 of the Town & Country & Planning Act 1990 was not a reason for refusing the original application, the appellants sent a signed and dated Undertaking to me after I had carried out my site visit. The purposes of the Undertaking are to commit the appellants to the provision of affordable housing in the appeal scheme and to make a contribution to offsite play, recreation and leisure facilities. The Council subsequently made a number of adverse comments on the detailed wording of the Undertaking. However, I conclude that the Undertaking was properly made and met the tests set out in Community Infrastructure Levy Regulations 2010, and I conclude that the Council's comments are of a minor nature and should not cause the wording of the Undertaking to weigh against the proposed development.

Land ownership

25. There is a dispute between the appellants and the owners of 7 Manor Park over the ownership of a strip of land which would be required to gain vehicular access to the site. Such matters are not for the planning system and, if permission was granted, any such dispute would have to be resolved by other means including, if necessary, the Courts.

Drainage

26. Both Keinton Mandeville Parish Council and neighbouring landowners have argued that local drainage and sewerage systems are overloaded, as demonstrated by regular incidence of flooding in and around the appeal site.

Further development would exacerbate this problem. However, neither the Environment Agency nor Wessex Water have objected to the proposed development and the latter disputes local claims of sewer flooding. In these circumstances, and given the possibility of the imposition of conditions requiring the provision of foul and surface water drainage incorporating sustainable urban drainage principles, I conclude that this is an issue that should not weigh against the proposed development.

Conclusion

27. I have accepted that the proposed development would be in a settlement where modest development would be sustainable and that the proposed development's effects on the setting of the listed Tithe Barn would be minimal given the impact of other, modern development. Nevertheless, I also conclude that the scale and siting of the proposed development would produce sufficient material harm to the character of Keinton Mandeville and its setting within the landscape to outweigh, demonstrably and significantly, those benefits. That impact is sufficient to weigh against the development even where a five year supply of available housing land in South Somerset has not yet been conclusively demonstrated.
28. For the reasons given above, and taking account of all the representations I have received, I conclude that the appeal should be dismissed.

Roger Pritchard

INSPECTOR

Agenda Item 14

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, economy
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.30am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.20am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
15	Milborne Port	14/01055/OUT	Residential Development of land.	Land At Court Lane, Milborne Port.	White Bros Developments
16	Camelot	14/02481/OUT	Erect detached dwelling and form new access	Land adjoining Longhazel, Sparkford Yeovil.	Mr & Mrs Clive Wakefield
17	Blackmore Vale	14/02523/OUT	Formation of new vehicular and pedestrian access and erection of detached dwelling	Land At Roselands, Lily Lane, Templecombe.	Mr & Mrs A Berry
18	Blackmore Vale	14/02094/FUL	Erection of a 2 bedroom bungalow	Land to the rear of 35 Bowden Road, Templecombe.	Mr & Mrs Nick Colbert
19	Bruton	14/01631/FUL	Proposed awning to front of Brasserie	Truffles Brasserie, 95 High Street, Bruton.	Mr Richard Sorapure

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 15

Officer Report on Planning Application: 14/01055/OUT

Proposal :	Residential Development of land. Alterations to Court Lane and its junction with Wick Road, formation of access onto Court Lane with visibility splays. Provision of footpaths on Wick Road (GR:367396/119223)
Site Address:	Land At Court Lane, Milborne Port.
Parish:	Milborne Port
MILBORNE PORT Ward (SSDC Member)	Cllr L Wallace
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	10th June 2014
Applicant :	White Bros Developments
Agent:	Mr Michael Williams Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Major Dwlg 10 or more or site 0.5ha+

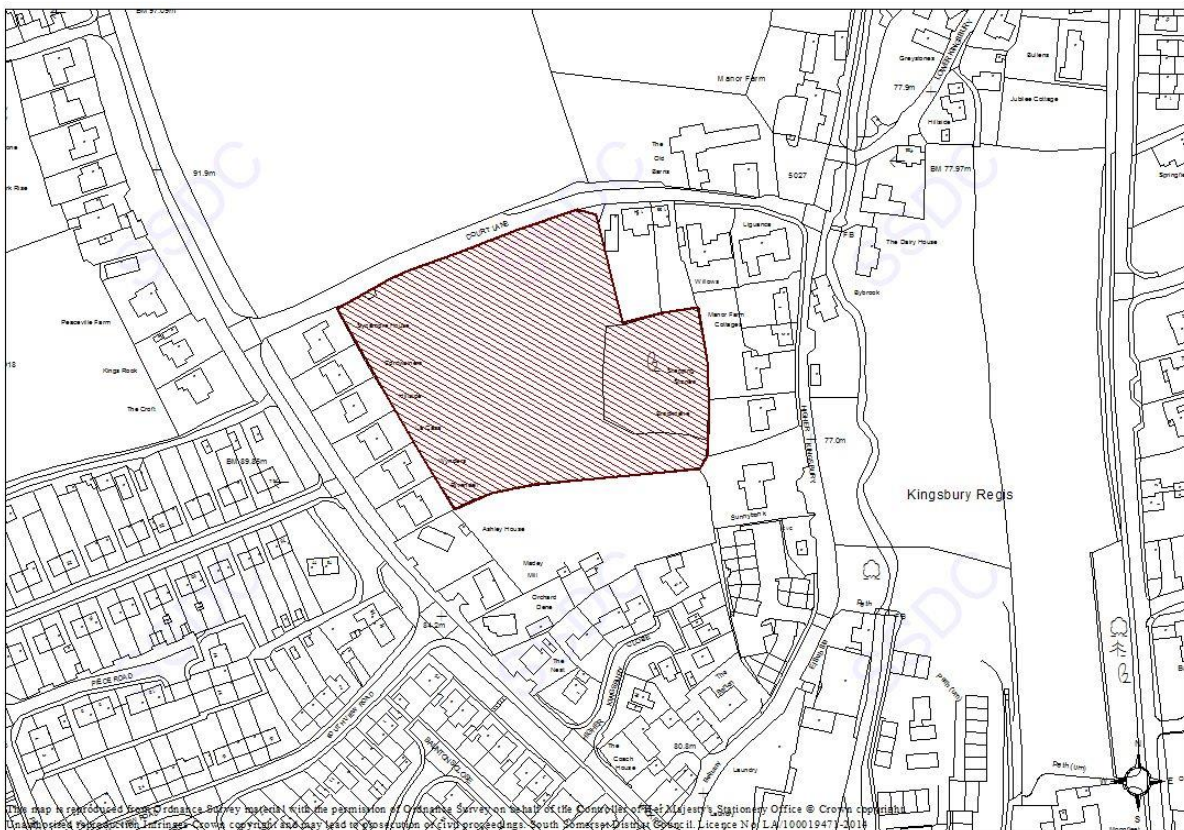
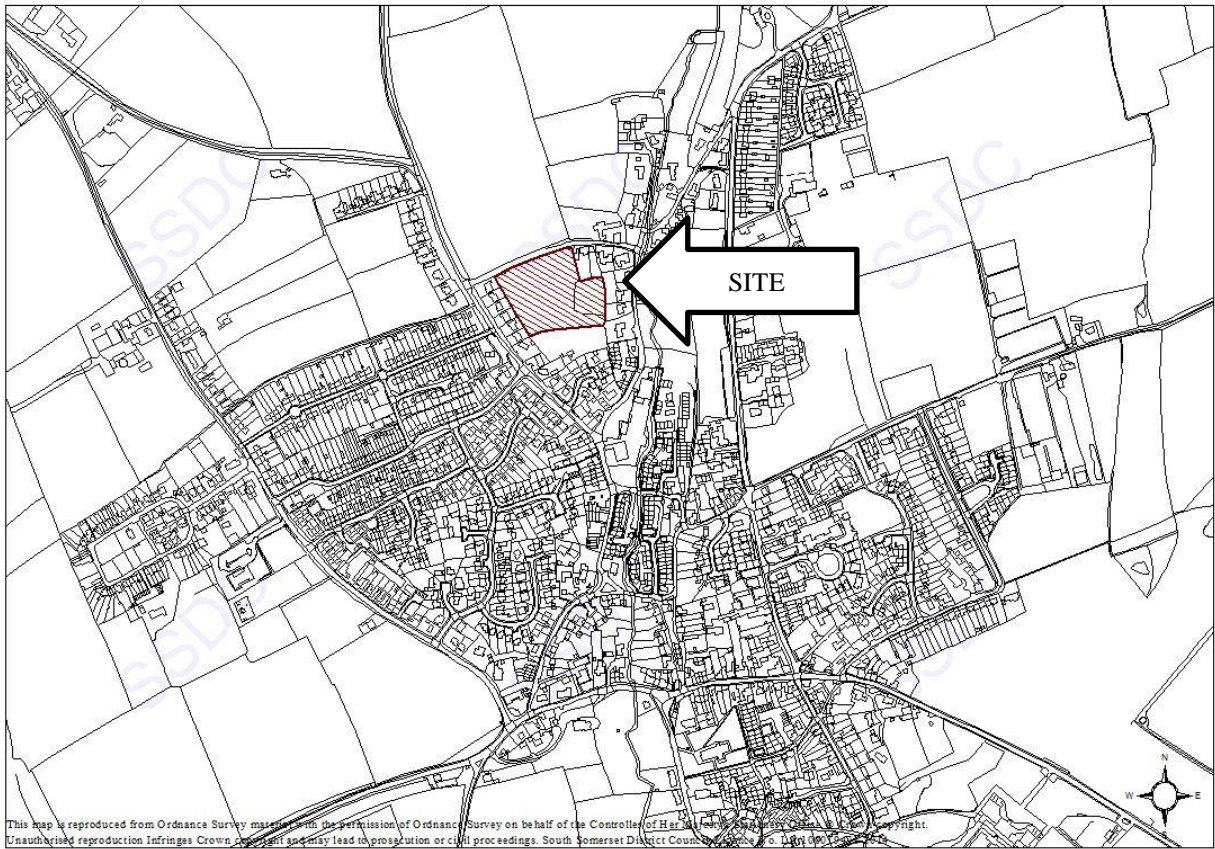
REASON FOR REFERRAL TO COMMITTEE

At the meeting of Area East Committee on 9th July 2014 the members considered the application and deferred determination in order to allow a member's site visit. The site visit took place 25th July 2014. The application was originally referred to committee for the following reason:

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered in light of the issues raised locally.

As a further update since the application was last considered, the Dorset Campaign to Protect Rural England have raised an objection to the scheme. The original report has been updated in light of their comments.

SITE DESCRIPTION AND PROPOSAL



This application seeks outline permission for the residential development of land. All matters are to be reserved with the exception of access. The site consists of a broadly flat and agricultural field. The site is bounded by a variety of residential properties to the east and west, with a small area of open land and then residential properties to the south, and a lane and then open countryside to the north. The site is not with a development area as defined by the local plan.

It is proposed to provide vehicular access to the site through the northern boundary from the existing highway known as Court Lane, with a proposed pedestrian link to the land to the south. It is proposed to carry out various works to the highway on Court Lane and Wick Road.

The indicative layout shows the provision of 20 houses of various types set around two cul-de-sacs with an area of open land to the north of the site and a 'wildlife corridor' along the eastern boundary of the site.

The application is supported by:

- Architect's Design Statement
- Planning Statement
- Flood Risk Assessment
- Transport Statement
- Biodiversity Survey Assessment Report
- Tree Survey
- Village Design Code Study
- Various indicative plans.

RELEVANT HISTORY

14/01915/EIASS - Request for a screening opinion in respect of residential development of land at Court Lane – EIA not required 29/04/2014

On land to the south of the site:

14/00791/OUT - Outline planning application for the erection of 10 no. dwellings with some matters reserved (Revised Scheme) - Application refused 20/05/2014

13/04830/OUT - Outline planning application for 10 dwellings with all matters reserved except for means of access, layout and scale - Application withdrawn 28/01/2014

912135 - Res. Dev. Of Land (Outline) - Refused 14.11.1991 - Appeal dismissed 01.04/1992

On land at Wheathill Garden Centre:

13/02559/OUT - Demolish existing buildings, residential development of land and formation of new vehicular and pedestrian access – Application refused 20/09/2013 – Allowed at appeal subject to conditions 03/04/2014

The application was refused by this council for the following reason:

“The proposed residential redevelopment of this horticultural site, which does not wholly constitute brownfield land and is outside the settlement limits of Milborne Port, would, without any additional provision of employment land, constitute unsustainable development with no mitigating environmental, economic or social benefits. As such the proposal is contrary to the policies of the National Planning Policy Framework.”

However the inspector made the following comments in relation to the sustainability of the site and Milborne Port as a whole:

“Whilst the appeal site is located beyond the development boundary of Milborne Port, it is adjacent to it and thus is not in an isolated location. Furthermore, on the basis of what I saw on my site visit I consider that all of the proposal would be located on previously developed land. As a result of the condition of the existing structures and hardstanding on the site, a well designed high quality residential development would be likely to bring about an improvement in the built environment. In addition, given the gardens that will be associated with the proposed dwellings and the landscaping that will take place, including possible tree planting, the proposal may also bring about an improvement in the natural environment on the site. Consequently, and as a result of the site’s proximity to the centre of Milborne Port, including the services and facilities associated with it, the proposal would be an environmentally sustainable form of development in line with the Framework.”

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST3 - Development Area
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST9 - Crime Prevention
ST10 - Planning Obligations
EC3 - Landscape Character
EC8 - Protected Species
EU4 - Drainage
TP1 - New Development and Pedestrian Movement
TP2 - Travel Plans
TP4 - Road Design
TP7 - Car Parking
CR2 - Provision for Outdoor Playing Space and Amenity Space in New Development
CR4 - Amenity Open Space
HG7 - Affordable Housing

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Meeting the Challenge of Climate Change, Flooding and Coastal Change
Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Milborne Port Parish Council - Strongly opposes the planning application and supports letters and comments from the public against the plans. They state that the roads surrounding the site are inadequate and can take no more congestion and extra cars which this development would cause. They feel there is much overdevelopment in the village and would regret the loss of green space amenity.

County Highway Authority - Initially raised concerns over the design of the proposed access and the lack of vehicle tracking information. On the receipt of amended plans he confirmed that the additional information dealt satisfactorily with his previous concerns and that from a planning policy, technical and safety viewpoint the development is considered to be acceptable. He therefore raises no objection subject to conditions to:

- Control disposal of surface water to prevent discharge onto the highway
- Control details of the estate roads, footpaths, etc.
- Ensure that roads and footpaths are constructed to ensure each dwelling is served prior to occupation
- Ensure that a network of footpaths and cyclepaths are provided before the occupation of any dwellings
- Secure the provision of adequate parking in accordance with Somerset Parking Strategy
- Secure the provision of adequate cycle parking facilities
- Secure the carrying of a highway condition survey and the remedy of any damage caused by construction works
- Secure the provision and implementation of a travel plan
- Control the details of the proposed highway works and access
- Secure the provision and implementation of a construction management plan
- Secure the details of drainage works.

SSDC Housing Officer - Notes policy requirements for 35% affordable housing split 67:33 social rent: intermediate products. She notes that further discussion would be necessary to assess the property types required based on data from the Housing Register - Homefinder Somerset.

Natural England - Notes that the site is in close proximity to the Holnest, Miller's Hill, Milborne Wick sites of special scientific interest (SSSI). They state that the proposed development will not damage or destroy the interest features for which the site has been notified. As such the SSSI does not represent a constraint to development. They note that they have not assessed the application for impacts on protected species, referring to their standing advice. They note the LPA's duties in relation to biodiversity and landscape enhancements.

SSDC Planning Policy – Notes the presumption in favour of sustainable development contained within paragraph 14 of the NPPF. She notes that the LPA now considers that it does have a demonstrable 5 year supply of deliverable housing land (including a 20% buffer). She notes that the proposal does not accord with policy ST3 of the local plan (the current development plan for South Somerset) as it is outside of a defined development area. However she notes that whilst policy ST3 is in line with the general thrust of the NPPF it is not entirely consistent with its approach. She states that given the age of the adopted

local plan and the emergence of the new local plan, paragraph 14 of the NPPF is a material consideration of substantial weight.

She notes that the emerging local plan identifies Milborne Port as a Rural Centre and states that policies SS5 and SS3 apply. She notes that proposed Main Modification 5 revises policy SS5 to provide officers and developers interim guidance for how planning applications for growth will be determined prior to the Site Allocations Development Plan Document. She states that modification facilitates a 'permissive approach' when considering planning applications for housing growth within or adjacent to Rural Centres subject to key policy considerations (the NPPF, eLP Policy SD1, the scale of growth, the settlement hierarchy, and other local plan development management policies). She notes that emerging local plan should be given some weight due to its advanced stage of preparation, and that at a recent appeal decision the emerging local plan was afforded 'moderate weight'.

She concludes that, although the proposal is contrary to saved policy ST3, no planning policy objection is raised to the principle of development in this location for the reasons outlined above, and subject to no other consultee raising an objection which renders the proposal unacceptable.

SSDC Landscape Architect - Notes that the site is surround on 3 sides by development form, to make it effectively a potential infill site. He notes that whilst the site is particularly visible in short and mid distance views from higher ground, he considers the site's prime landscape and visual context to be of residential form. He notes that the sites' northern boundary is defined by Court Lane, which generally demarcates the north edge of the settlement, with open farmland beyond. He therefore considers the site sufficiently integrated into the village settlement pattern to be appropriate for development, and states that there is no landscape objection to the principle of development on this site. He notes the indicative layout, and sates that it could be improved with some fine tuning to the layout, noting that the treatment of building heights/ground levels will be a sensitive issue, particular in relation to existing housing to the east. He considers the following intentions to be appropriate:

- a) Setting development back from Court Lane, to avoid dominance issues;
- b) Creating in part a village street typology,
- c) Avoiding a high density of development, and
- d) Establishing a wildlife corridor.

He states that the urbanising introduction of an off-site pavement at this village edge location would not be appropriate. He states it would be better removed from the scheme, unless there is an insistence on this from SCC Highways.

SSDC Community, Health and Leisure - Requests a contribution towards:

- Local facilities of £44,829
- Strategic facilities of £28,521
- Commuted sums of £18,226, and
- A Community Health and Leisure Service Administration fee of £916

This would be total contribution of £92,492 (£4,625 per dwelling).

Environment Agency - No objection to the principle of the proposed development subject to a condition and informatives to control details of a surface water drainage scheme.

SSDC Ecologist - Notes the contents of the submitted biodiversity survey assessment report. He states that he is satisfied with and in broad agreement with the conclusions and recommendations of the report. He notes that areas of scrub referred to in the report appear to have been removed.

He notes that a small population of slow worms was recorded on site and recommends that a condition is imposed on any permission to secure a mitigation plan to avoid harm to slow worms. He also notes the expectation in the NPPF for some enhancement for biodiversity. He suggests the use of a condition to secure such enhancements.

SSDC Engineer - States that the drainage strategy set out in the flood risk assessment is basically sound. He states a condition is required to secure further details.

Wessex Water - Notes that they have no information in regard to the public sewers at Higher Kingsbury Close, and states that their suitability to accommodate foul flow from the proposed development will require assessment. They note that there are no surface water sewers available for connection within the vicinity of the site, and that there must be no surface water connections to the public foul sewer system. They note that water supply network modelling has recently been carried out and interim results suggest that minimum standards of pressure are available at the site. They state that buildings above two storeys would require on site boosted storage.

Somerset Wildlife Trust - Notes the submitted biodiversity survey and generally supports the recommendations in the report. They would also request that any external lighting scheme should be designed so as to minimise light pollution and not be sited near to bat boxes, and that any planting should use native species only, in particular, those that support wildlife.

Dorset CPRE – Objects on the following grounds:

- The application does not meet the environmental strand of sustainable development contrary to paragraph 9 of the NPPF.
- The site is just above the Kingsbury River Valley, which saw flooding in the winters of 2012/13 and 2013/14 and sewage backed up into new build properties in January 2014. They contend the proposal is therefore contrary to paragraph 100 of the NPPF.
- The site distinguishes the historic settlement of Kingsbury Regis from Milborne Port, has listed buildings in its vicinity, has not been excavated archaeologically, and enables views of the historic steeples of the two churches in Milborne Port. They contend the proposal is therefore contrary to section 12 of the NPPF.
- The proposal will exacerbate problems resulting from the already narrow and congested lanes with dangerous bends.
- The proposal does not enhance employment opportunities in Milborne Port, where according to the emerging local plan 75% of the economically active people commute out of the village to work. They contend the proposal is therefore contrary to paragraphs 34 and 37 of the NPPF.
- Milborne Port has carried its fair share of development and is already on the way to reaching housing targets set by the emerging local plan, even though there are another 14 years to run for such development. Demand for housing already built in the area has been slow and there are many houses for sale within the village.

REPRESENTATIONS

Letters of objection have been received from the occupiers of 27 properties in Milborne Port and one from the occupier of a property in Tolpuddle, Dorset. A further letter was received from the occupier of a property in Panama, disputing the applicant's claim to full ownership of the application site. Objections were raised on the following grounds:

Principle of Development:

- The development is not required and the village has seen considerable development in recent years.
- There is a lack of employment and services available in the village and a poor bus service, meaning people will have to use their car.
- There have been a large number of developments in recent years, and the village has done enough to support the needs of the country for new houses.
- The land is greenbelt land outside the settlement limit of the village.
- The arguments regarding the lack of a five year housing supply are subjective and contradicted by appeal decisions elsewhere in the district.
- Milborne Port has already provided the majority of its required housing as indicated by the emerging local plan.
- A similar application at Wheathill Garden Centre was recently refused and should set a precedent for the current scheme, as the current scheme is a more sensitive location.
- There is no demand for the housing as evidenced for the number listed for sale on Rightmove in Milborne Port.
- Various recent appeal decisions in a neighbouring authority set a precedent for refusal of the current scheme for various reasons.
- The site is greenfield land.

Highways:

- The roads in and around the development are generally narrow and substandard and not suitable for increased traffic movements. Particularly in regard to visibility, lack of passing places, parked vehicles, pedestrian, cyclist and horse-rider use of the lanes, poor drainage of the roads, the use of the lanes by large vehicles guided by satellite navigation, and poor lighting.
- Existing traffic problems caused by the laundry will exacerbated
- The submitted traffic survey was undertaken in 2012 and is out-dated. It should have been conducted over a number of days and include weekends, day-time and evening traffic. It also pre-dates the completion of the nearby Old Tannery site.
- An incident recorded as a 'slight accident' in the submitted highways assessment, was not slight and involved an Air Ambulance. An incident where a pedestrian was hit by a goods vehicle is also not recorded.
- Suggestion in submitted report that the occupiers of the development would favour public transport is almost unbelievable.
- There are already frequent near misses on surrounding lanes, which could be exacerbated by the development.
- Boundary walls and a listed bridge are already damaged occasionally, which could happen more frequently as a result of the development.
- Alterations to the footpaths on Wick Road would only benefit the local area and not the remainder of the village.
- The proposal may encourage the youth to use Wick Road as a racing circuit.
- The proposed highway works are not possible without undermining privately owned land and existing boundaries or by removing banks and/or hedgerows.
- The alterations to the junction at Wick Road will encroach onto an objector's land.
- The reported road widths are not accurate.
- The pavements have been offered as a planning gain, however there is little demand for them.
- The roads are in much need of repair, which could be made worse by the proposal.
- The submitted vehicle tracking for refuse vehicles highlight the restricted nature of the access.

Residential Amenity:

- Objects that 'wild-life corridor' appears to be no more than a footpath and would not want a footpath is such close proximity to their property.
- The village has endured enough disruption from a large scale construction project.
- The properties in Higher Kingsbury Close will be overlooked due to the rise of the land on site
- The adverse impact on local amenity by way of loss of privacy, noise, pollution and traffic movements will be out of proportion to the benefits.
- Properties in Higher Kingsbury, Wick Road, and Court lane will be overlooked and suffer a loss of outlook.
- The proposal will have negative impact on the small peaceful community of Kingsbury Regis.
- Hedge screening has already been removed.

Visual Amenity:

- The proposal will remove one of the remaining green buffers between the Kingsbury area and the rest of the village.
- The development will destroy a particularly fine view across the village including important buildings such as the Methodist Church and the Anglican Church.
- Development on the lower half of the site was refused and dismissed at appeal because the inspector concluded that the development would damage the character and appearance of the surrounding countryside. The situation has not changed.
- The existing green gap contributes to the shape, structure, landscape and character of the village.
- Hedgerow and mature trees have already been removed from the site
- The 2008 Peripheral Landscape study relied on by the applicant is flawed and cannot be relied on.
- Due to the sensitivity of the site, being the oldest part of Milborne Port, outline permission is not appropriate as design, layout and materials should be examined and 'locked in' for any approved scheme.

Other Matters:

- Developers may wish to increase the number of houses exacerbating any adverse impacts of the development.
- The submitted drainage plans involve piping water to the river Gascoigne, which is already prone to flooding. This will exacerbate the problem and invalidate the modelling at the Old Tannery site.
- The proposal will alter drainage patterns increasing the risk of flooding to properties in the valley bottom.
- Questions whether the local school can accommodate any additional children occupying the proposed dwellings.
- The site layout indicates a dwelling within the fall of a major tree which is likely to generate future problems.
- The development represents a breach of the human rights of the objector.
- The site is used by a variety of wildlife and is therefore not a prime location for development.
- The application should be considered alongside the proposed development on the adjoining site. The proposal includes a footpath link to that site, which could result in an increase of pedestrians in Higher Kingsbury Close and possibly more traffic movements if the plans change at a later stage.
- The proposal will not, but should, contribute to existing services in the village rather than placing a strain on them

- The submitted site plan is incorrect as it does not show the newly occupied development at the Brambles.
- The sewage system is already at capacity and cannot cope with further development.
- A developer may build more properties than currently proposed, or otherwise significantly alter the scheme from what may have been considered reasonable
- The site is likely to contain important archaeology.
- The proposed wildlife corridor is not fit for purpose.
- The developer has already damaged hedgerows casting doubt on the credibility of the proposed wildlife corridors.
- Block of light and falling leaves would be problems caused by the proposed screening.
- The objector's views across open countryside would be ruined.

APPLICANT'S CASE

"There is still a shortfall in the supply of housing land in South Somerset and therefore the relevant housing policies in the Adopted Local Plan cannot be considered up to date.

The NPPF states that where the development Plan is silent or relevant policies are out of date planning permission should be granted unless there are any adverse impacts which would significantly and demonstrably outweigh the benefits. No such adverse impacts exist with this proposal.

There are clear economic and social benefits with the proposal including the provision of affordable housing.

The site occupies a sustainable location in a Rural Centre where there are employment, community, retail and educational facilities. The new residents would not be reliant on the car for travel with good connections for pedestrians, buses etc.

The development has been the subject of discussions with Council Officers and would have limited visual impact.

The site is well related to the existing form of the settlement and represents a natural extension of the built up area.

The Council has previously recognised the site as being only one on the periphery of Milborne Port with a high landscape capacity to accommodate new built development.

The development would accord with the principles set out in the NPPF concerning the promotion of sustainable development."

CONSIDERATIONS

The main areas of consideration are considered to be:

- Principle of Development
- Highways
- Visual Amenity
- Residential Amenity
- Planning Obligations

Principle of Development

The Council has presented a report on the five-year housing land supply position to its District Executive Committee on the 5th June 2014. This report stated that the Council can now demonstrate a five-year housing land supply, with appropriate buffer. The meeting accepted the conclusion.

With or without a five-year housing land supply it is important to judge an application on its merits, taking account the impacts and benefits that the scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

It should be noted that the policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

The LPA is currently in a period of transition where regard should be had to the emerging Local Plan. The policies within the emerging Local Plan have weight and should be borne in mind, particular where there are concerns as to the out-of-date nature of existing policies. The emerging local plan defines Milborne Port as a Rural Centre.

For this proposal reference should be made to emerging Local Plan Policy SS1. Policy SS1 states that in Rural Centres provision for development will be made that meets local housing need, extends local services and supports economic activity appropriate to the scale of the settlement. The emerging local plan, at policy SS5, allocates a housing growth of 279 dwellings within Milborne Port over the plan period, of which there remains 79 to be built. This proposal which indicatively shows the provision of 20 dwellings is well within the residual proposed growth to the settlement, which is in any case a target rather than a maximum. In regard to the sustainability of Milborne Port, it is clear from the inspector's comments in relation to the Wheathill Garden Centre permission, that the settlement has sufficient services and facilities to be considered an environmentally sustainable location for residential development in line with the NPPF.

The emerging local plan does not identify a particular direction of growth for rural centres, so the location of each site must be considered on its own merits and on an individual basis.

In summary, the focus should not be on whether the Council has a five-year land supply or not. It is more important that the impacts and benefits of the scheme are considered appropriately in light of the existing Local Plan, the NPPF and the emerging Local Plan. Particular reference should be made to NPPF Paragraph 14 where it states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Therefore, although the site is outside the defined development area, and notwithstanding the various objections from the parish council, neighbouring occupiers, and Dorset CPRE in relation to the principle of development in this specific location and within Milborne Port as a whole, it is considered that the principle of the residential development of this site is acceptable and the application therefore falls to be determined on the basis of its impacts.

Highways

Concerns have been raised by neighbouring occupiers, Dorset CPRE, and the parish council regarding the potential impact of the proposed development on the surrounding highway network, in regard to traffic generation and highway safety. The concerns regarding the potential impact relating to highway matters are multiple and various, as are the concerns relating to the accuracy and detail of the submitted transport statement.

The county highway authority was consulted as to these impacts and all highway aspects relating to the development. They have assessed the impact of the proposal including the submitted transport assessment. They have concluded that there is no traffic impact grounds for a recommendation of refusal, subject to the imposition of certain conditions on any permission issued.

Accordingly, whilst local concerns are noted, it is considered that the proposed access arrangements and local highway network are capable of accommodating the traffic generated by the development without detriment to highway safety. As such the proposal complies with saved policies ST5, TP1 and TP4 of the local plan.

Parking provision and other matters of detail (footpaths etc.) would be assessed at the reserved matter stage and need not be conditioned at this stage as requested by the highways officer.

Visual Amenity

Various concerns have been raised regarding the impact of the proposal on the character of the area. The SSDC Landscape Architect was consulted as to the visual impacts of the scheme. He noted that the site is surrounded on 3 sides by development form, to make it effectively a potential infill site. He stated that whilst the site is particularly visible in short and mid distance views from higher ground, he considers the site's prime landscape and visual context to be of residential form. He noted that the sites' northern boundary is defined by Court Lane, which generally demarcates the north edge of the settlement, with open farmland beyond. He concluded that the site is sufficiently integrated into the village settlement pattern to be appropriate for development, and stated that there is no landscape objection to the principle of development on this site. He had some minor concerns as to the detailed design, but was satisfied that these could be satisfactorily resolved at the reserved matters stage and through the imposition of a suitable landscaping condition.

On this basis, and subject to the agreement of a suitable design and appropriate landscaping measures at the reserved matter stage, it is considered that the proposal complies with saved policies EH5, ST5, ST6 and EC3 and would not have such a harmful impact that permission should be withheld on the grounds of visual amenity. The various concerns of the neighbouring occupiers regarding the impact of any development on the visual amenity of the area have been considered but are not considered to outweigh the conclusions of the SSDC Landscape Architect as to the visual impacts of the scheme.

It has been noted by a neighbouring occupier that the development of land on an adjoining site was applied for and refused due to the visual impacts and a subsequent appeal dismissed. The application in question was refused in 1991. However, the decision was made in different policy context (more than 20 years ago) and on a different site to the application site. It is therefore dissimilar enough that the LPA would be fully entitled to reach a different decision. Furthermore there has been a more recent planning application on the adjoining site, which was refused, but not for reasons of visual amenity, with the case officer considering the impacts to be acceptable.

A neighbour has stated that outline permission is not appropriate as the site is so sensitive that design, layout, and materials should be 'locked in' for any approved scheme. However, the site is not considered to be particularly sensitive in visual amenity terms. As such, an application for outline permission is considered to be perfectly legitimate.

Residential Amenity

Concerns have been raised by the occupiers of neighbouring properties regarding the potential impacts of the development on their residential amenity by way of loss of privacy and outlook, and a general disturbance to the tranquillity of the area. However, subject to the consideration of the layout at reserved matters stage it is not considered that the development of this site would give rise to any loss of privacy to any existing residents in these areas.

A neighbour has raised a concern that the wildlife corridor shown on the indicative plan may amount to a footpath and have stated that they would not want a footpath in such close proximity to their dwelling. However, the indicative layout is indicative only and this type of finer detail cannot be considered as part of this outline application.

A further concern has been raised over the disruption likely to be caused by a construction project, which the village has already endured enough of recently. Although there may have been a number of construction projects recently in the settlement, it would not be reasonable to constrain development because of the cumulative impact of any disruption caused during the construction phase.

Therefore, notwithstanding the concerns of the neighbouring occupiers, it can be concluded that the proposed development will not cause demonstrable harm to the residential amenity of adjoining occupiers in accordance with policy ST6 of the South Somerset Local Plan.

Planning Obligations

Sport, Art and Leisure - a contribution of £92,492 (or £4,625 per dwelling has been sought. The requested contribution can be broken down as follows:

- Local facilities of £44,829
- Strategic facilities of £28,521
- Commuted sums of £18,226, and
- A Community Health and Leisure Service Administration fee of £916

Affordable Housing - The housing officer has noted the policy requirements for 35% affordable housing split 67:33 social rent: intermediate products. She also noted that further discussion would be necessary to assess the property types required based on data from the Housing Register - Homefinder Somerset.

A section 106 monitoring fee of 20% of the application fee has also been sought.

Accordingly, should the application be approved a Section 106 agreement will be necessary to:-

- Secure the agreed contribution towards strategic and local outdoor playing space, sport and recreation facilities.
- Ensure that 35% of the dwellings units are affordable and remain so in perpetuity.

- Secure the agreed monitoring fee.

The applicant has agreed to these obligations, and the proposal would therefore comply with saved policies ST5, ST10, CR2 and HG7 of the local plan.

EIA

The requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 have been considered. A screening and scoping assessment was carried out in accordance with the regulations. The screening opinion issued by the LPA was that, given the nature of the site and the type of development proposed, the development will not have significant environmental effects and that no environmental statement is required for the purposes of environmental impact assessment.

Other Matters

The application site is classified as Grade 3a agricultural land, which, along with Grade 1 and Grade 2, is considered to be the best and most versatile agricultural land. Paragraph 112 of the NPPF states that:

"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

In this case, although the fact that the land is of a higher quality tells against the scheme, it is only one consideration amongst many, and is not considered to outweigh the benefits of the scheme.

It has been argued that as the permission is outline only the developer would not be restricted to the proposed number of house, and that developers may wish to increase the number of units, exacerbating any adverse impacts. Whilst the number of units is not fixed at this stage, it is matter that can be controlled at the reserved matters stage.

Concerns have been raised regarding the impacts of the development on drainage, local flooding, and sewerage. However, the Environment Agency, the SSDC Engineer, and Wessex Water were consulted as to these potential impacts and raised no objections to the scheme. It is considered that drainage arrangements can be adequately controlled through the imposition of a suitable condition on any permission issued.

A neighbour has raised a question over whether the local school can accommodate any growth in pupil numbers generated by the development. The County Education Authority was consulted in this regard and raised no concerns and requested no contributions.

A neighbour has raised a concern regarding the position of a dwelling on the indicate plan within the fall of a major tree. However, the specific siting of individual dwellings has to be considered at the reserved matters stage, and the position of the tree in question is not considered to prejudice the development of the site.

A neighbour has raised a concern that the proposed development is a breach of their human rights. It is difficult to see how this could be the case and the objector does not make this clear.

A concern has been raised that the site is used by a variety of wildlife and is therefore not a prime location for development. The SSDC Ecologist was consulted and raised no objections to the scheme subject to conditions to protect slow worms and to secure biodiversity enhancements. The proposal is therefore not considered to compromise the conservation of any protected species in accordance with local and national policy.

A neighbour has stated that the application should be considered alongside the other nearby proposed development. However, the other scheme has already been determined.

A neighbour has argued that the development should, but will not, contribute to the provision of services within the village. Whilst the proposal is only for residential development, there is no clear evidence that existing services are strained or that the development would in any way overburden such services.

A concern has been raised that the site is inaccurate as it does not show a neighbouring property. However, the impacts of the development have been thoroughly assessed using the LPA's own records and through a site visit by the case officer. The omission from the submitted plans should not constrain the development.

Concerns have been raised that the site is likely to contain important archaeology. However, the site is not in an area of high archaeological potential, nor particularly close to any known heritage assets, either designated or undesignated. As such, the potential impact on buried archaeology is not considered to be significant.

Concerns have been raised over the efficacy and credibility of the proposed wildlife corridor. However, such a corridor is a suggestion on an indicative layout plan and would need to be considered in detail at the reserved matters stage.

A concern has been raised that the proposed screening could cause a loss of light and problems with falling leaves for neighbouring occupiers. However, landscaping is not a matter for consideration at this stage and, again, should be considered as part of a reserved matters application.

Conclusion

Given the limited weight that can be given to policy ST3 of the local plan and the site's location adjacent to the settlement limits of Milborne Port, it is considered that, in principle, it is a sustainable location for development. No adverse impacts on the landscape, ecology, drainage, residential amenity or highway safety have been identified that justify withholding outline planning permission and all matters of detail would be adequately assessed at the reserved matters stage or by the agreement of details required by condition. The applicant has agreed to pay the appropriate contributions.

Therefore, notwithstanding the various concerns raised, the proposed development is considered to be in accordance with policies ST3, ST5, ST6, ST7, ST9, ST10, EC3, EC8, EU4, TP1, TP2, TP4, TP7, CR2, CR4, EH12 and HG7 of the South Somerset Local Plan and the aims and provisions of the NPPF. As such the application is recommended for approval.

RECOMMENDATION

That application reference 14/01055/OUT be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the

Council's solicitor(s)) before the decision notice granting planning permission is issued to:-

- 1) Secure a contribution of £4,625 per dwelling towards the increased demand for outdoor playing space, sport and recreation facilities to the satisfaction of the Assistant Director (Wellbeing).
- 2) Ensure at least 35% of the dwellings are affordable with a tenure split of 67:33 in favour of rented accommodation over other intermediate types, to the satisfaction of the Corporate Strategic Housing Manager.
- 3) Provide for a S.106 monitoring fee based on 20% of the outline application fee.

b) The following conditions:

01. Notwithstanding the local concerns, the provision of approximately 20 houses in this sustainable location would contribute to the council's housing supply without demonstrable harm to residential amenity, highway safety, ecology or visual amenity, and without compromising the provision of services and facilities in the settlement. As such the scheme is considered to comply with the saved policies of the local plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The site hereby approved for development shall be as shown on the submitted location plan 1120-31 received 07 March 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

02. Details of the appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. The Development hereby permitted shall not be commenced until details of appropriate parking on site (in line with the SCC Countywide parking strategy) for each dwelling, including a properly consolidated and surfaced turning space for vehicles has been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

05. Prior to the commencement of the development, a framework for the preparation of a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The framework shall set out the proposed contents of the plan. Within one year of the first occupation of the buildings hereby approved, a Travel Plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include measurable outputs and arrangements for monitoring and enforcement.

Reason: In the interests of highway safety and sustainable development and in accordance with policy ST5 of the South Somerset Local Plan and the aims and provisions of the NPPF.

06. No development shall take place until detailed plans have been submitted to and approved in writing by the Local Planning Authority (in conjunction with the local highway authority) relating to line, level and layout of the proposed access road junction onto Court Lane and associated works, including footway works on Wick Road (as shown generally in accordance with Peter Evans Partnership Drawing 2495.07) and its means of construction and surface water drainage. The approved access road junction shall be laid out constructed in accordance with the requirements of a Section 278 Agreement under the provisions of the Highway Act 1980 and fully completed prior to commencement of work on site to the satisfaction of the LPA.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

07. The development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Somerset County Council). The plan shall include construction vehicle movements, construction operation hours, construction vehicular routes to and from site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice and a scheme to encourage the use of public transport amongst contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

08. The development hereby permitted shall not be commenced (including any ground works or site clearance) until a mitigation plan or method statement detailing measures to avoid harm to slow worms, has been submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved details and timing of the mitigation plan / method statement, unless otherwise approved in writing by the local planning authority.

Reason: For the protection of a legally protected species to accord with policy EC8 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

09. As part of any reserved matters application details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning

Authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.

Reason: For the enhancement of biodiversity in accordance with NPPF.

10. The development hereby permitted shall not be commenced until such time as a surface water drainage scheme (including a full drainage masterplan and associated drainage calculations) has been submitted to, and approved in writing by, the Local Planning Authority (LPA).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the LPA.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Informatives:

01. You are reminded of the contents of the Environment Agency's letter of 31 March 2014 which is available on the council's web-site.
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Agenda Item 16

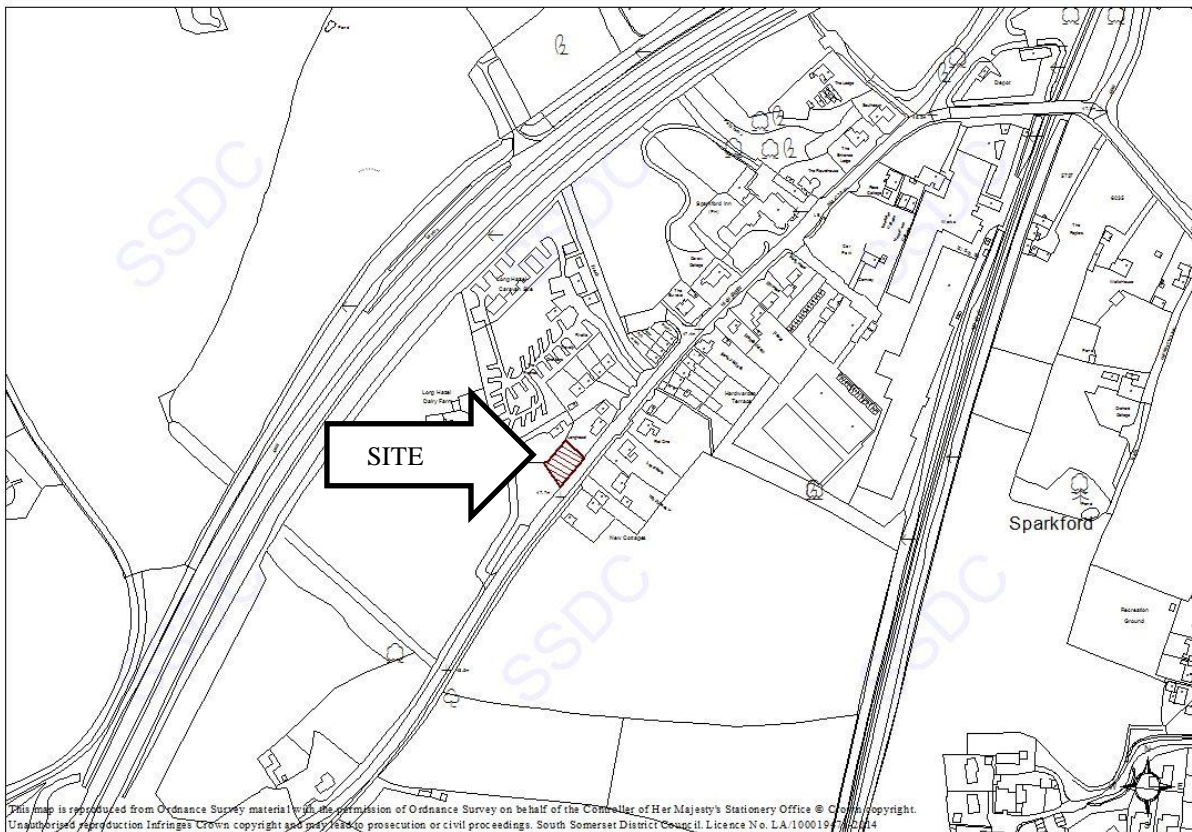
Officer Report on Planning Application: 14/02481/OUT

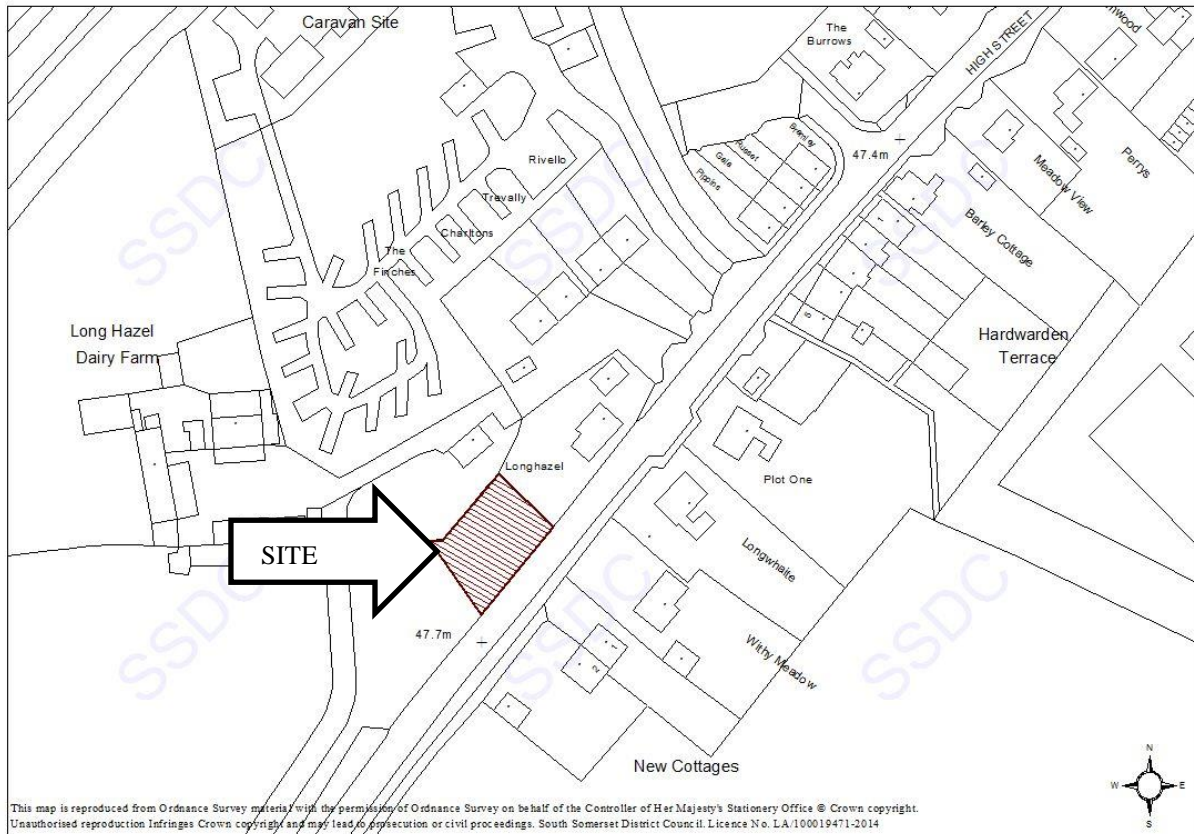
Proposal :	Erect detached dwelling and form new access. (GR 360239/126200)
Site Address:	Land adjoining Longhazel, Sparkford, Yeovil.
Parish:	Sparkford
CAMELOT Ward (SSDC Member)	Cllr M. Lewis
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	1st August 2014
Applicant :	Mr & Mrs Clive Wakefield
Agent:	Mrs Janet Montgomery, Wessex House, 8 High Street, Gillingham, SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application for residential development is recommended for approval as a departure from saved policy ST3 of the South Somerset Local Plan which seeks to constrain development within Development Areas. However, the adopted local plan is increasingly out-of-date and policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need. Accordingly the application is referred to committee to enable the justification for the development to be considered, and in light of objections raised locally.

SITE DESCRIPTION AND PROPOSAL





This application seeks outline permission for the erection of a detached dwelling and the formation of a new access, with all matters reserved for future consideration. The site consists of an area of land in apparent garden use, adjacent to a two storey detached house, finished in natural stone, with white UPVC window frames and a clay tiled roof. The site is broadly level, laid to grass, and surrounded by mature vegetation and various styles of fencing. The site is located outside of, but immediately adjacent to, the Sparkford development area as defined by the local plan. The site is close to various residential properties and open countryside.

Indicative plans show the erection of a detached two storey dwelling in the south-western corner of the plot, with the formation of a new access from High Street between the proposed dwelling and the existing dwelling known as Longhazel.

HISTORY

892678 - Outline: dwellinghouse and garage - Refused 15/11/1989

881075 - Outline: erection of a house - Refused 22/06/1988

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local

Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST2 - Villages
ST3 - Development Area
ST5 - General Principles of Development
ST6 - The Quality of Development
EU4 - Drainage

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes

CONSULTATIONS

Sparkford Parish Council - Object to the application on the following grounds:

- Building in back gardens should not be endorsed.
- The plot is long and narrow access could be a problem.
- The village is inundated with planning applications and the infrastructure cannot cope.
- The house looks to be crammed into a small space.
- The proposal will not help unresolved drainage problems in the village.
- The proposal is outside the building line and the five year land supply issue referred to by the applicant has been addressed by SSDC. Previous approvals do not set a precedent and the proposal does nothing for the village.

County Highway Authority - Refers to standing advice, which requires visibility splays of 2.4 x 43 metres in each direction and an appropriate level of turning and visibility.

SSDC Landscape Architect - Notes the residential context of the land and its current residential use, and therefore raises no issues.

Wessex Water - Notes that new water supply and waste water connections will be required from Wessex Water and advises on how these can be obtained. States that separate systems of drainage will be required to serve the proposed development and that no surface water connections will be permitted to the foul sewer system.

REPRESENTATIONS

None received.

CONSIDERATIONS

History and Principle of Development

Applications were made in 1988 and 1989 to develop the land in question for a single dwelling

house. Both applications were refused. The latter was refused on the grounds that it would represent an undesirable extension to the village of Sparkford in ribbon form that would be detrimental to visual and rural amenity, and harmful to the character of the area. However, the planning policy context in 1988 and 1989 was completely different to the current policy context, and as such the previous refusals are not considered to be a material consideration for the current scheme.

The proposed dwelling is located outside the defined development area of Sparkford, on an existing garden (greenfield site), and therefore in a position where development is normally strictly controlled by policy ST3 of the South Somerset Local Plan.

However, it should be noted that the policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date, with certain policies not in accordance with the National Planning Policy Framework. The proposal is contrary to Policy ST3, however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate and sustainable housing to meet local need.

In this case it is noted that Sparkford is one of the more sustainable rural settlements in the district, having a variety of services and employment opportunities. Therefore, notwithstanding the concerns of the parish council in relation to principle, the location is considered to be a sustainable location for the proposed single dwelling in accordance with the aims and provisions of the NPPF, and the thrust of saved local plan policies.

Highways

The highway authority was consulted as to the impact of the scheme on the local highway network. They referred to their standing advice. As the application is outline with all matters reserved, including access, the development is difficult to assess against the standing advice at this stage. Nevertheless there is no reason to assume that the requirements of the standing advice and the Somerset Parking Strategy cannot be achieved on site. The parish have raised a concern that narrow access could be a problem. However, as discussed above, access is a reserved matter, and there is no reason to assume, on the basis of the information provided, that a satisfactory means of access cannot be achieved. This would be fully assessed at the reserved matters stage.

Visual Amenity

The site is located on greenfield land towards the edge of the current settlement. As such the SSDC Landscape Architect was consulted as to the impact on the visual amenity of the area. The landscape architect noted that the site is contained within a residential context, and is currently used for residential purposes. As such he had no landscape issues to raise.

The parish has stated that building in back gardens should not be endorsed. However, the proposed building is clearly not in the back garden of the existing property, being very clearly to the side. They are also concerned that the proposal appears crammed into a small size. However, the proposed plot is not unreasonably small to accommodate a single dwelling, and the scale and layout of the development are reserved matters.

Therefore, subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on visual amenity in compliance with policies ST5 and ST6 of the South Somerset Local Plan.

Residential Amenity

It is considered that a single dwelling could be accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers.

Therefore, subject to a satisfactory detailed design at the reserved matters stage, the proposal is considered to have no adverse impact on residential amenity in compliance with policies ST5 and ST6 of the South Somerset Local Plan.

Other Matters

The parish are concerned that the village is inundated with applications for residential development and the infrastructure may not cope. However, no concerns have been raised by technical consultees in regards to the provision of infrastructure, and the parish have provided no evidence that any infrastructure is at maximum capacity. They have specifically raised a concern regarding drainage, but Wessex Water has been consulted and raised no concerns.

Conclusion

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the landscape or the area, highway safety, or residential amenity.

RECOMMENDATION

Permission be granted for the following reason:

01. Sparkford by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of a dwelling on this site, immediately adjacent to the settlement limit would respect the character of the locality with no demonstrable harm to residential amenity or highway safety. As such the proposal complies with policies ST2, ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the block and location plans 14110-2 received 04 June 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

02. Details of the access, appearance, landscaping, layout and scale (herein after called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

Agenda Item 17

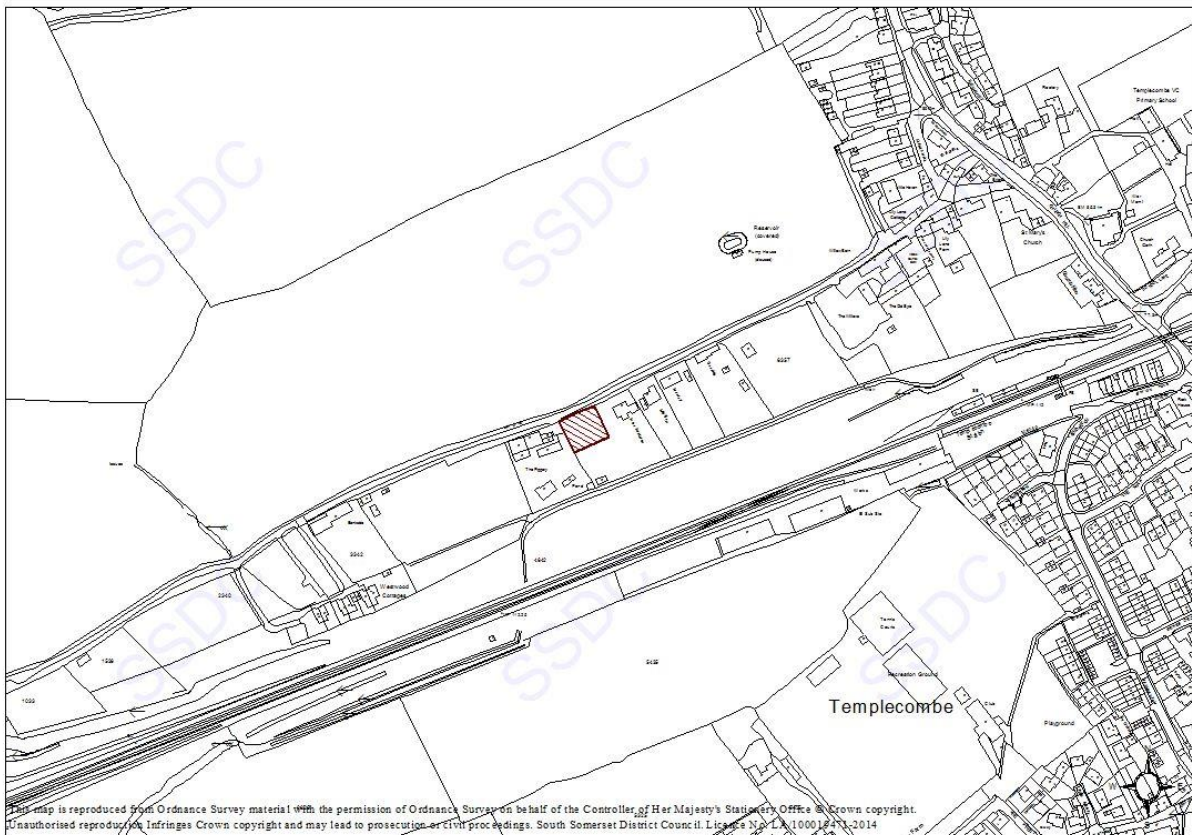
Officer Report on Planning Application: 14/02523/OUT

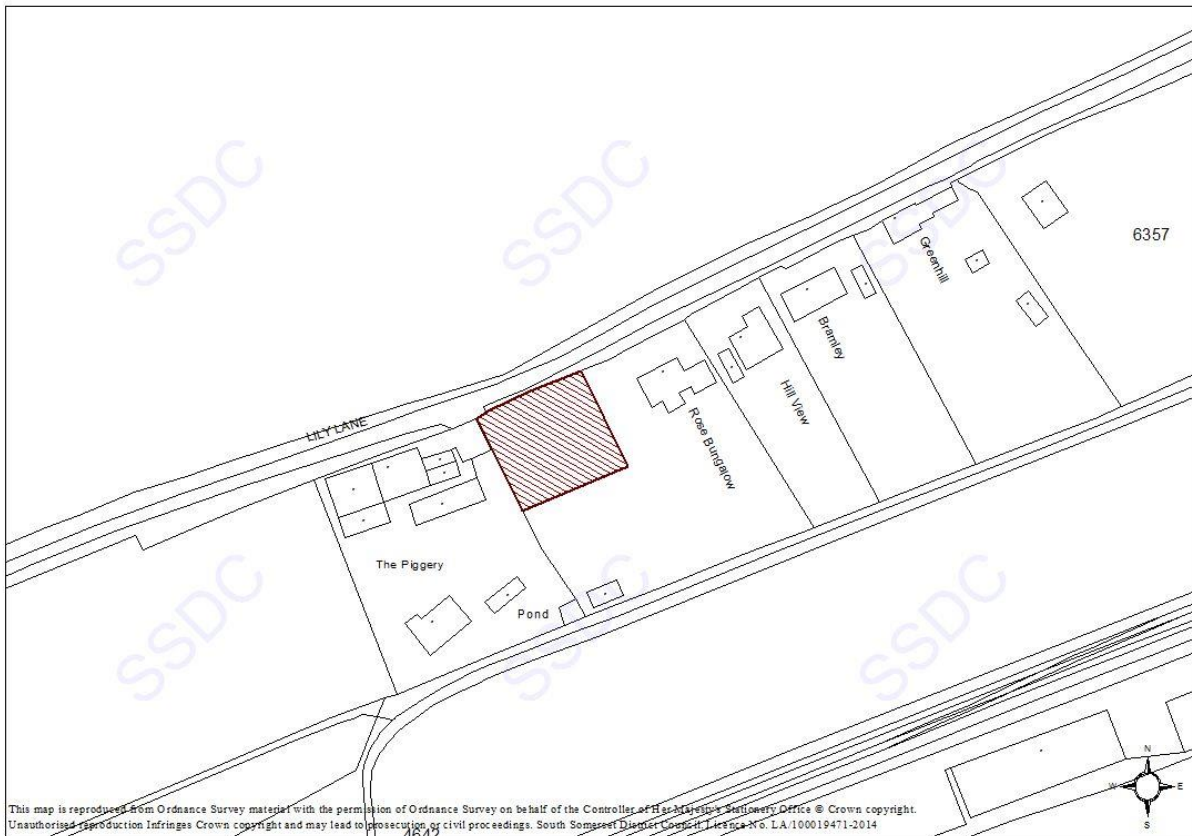
Proposal :	Formation of new vehicular and pedestrian access and erection of detached dwelling (Outline application to determine access) (GR: 370514/122540)
Site Address:	Land At Roselands, Lily Lane, Templecombe.
Parish:	Abbas/Templecombe
BLACKMOOR VALE Ward (SSDC Member)	Cllr T Inglefield Cllr W Wallace
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	1st August 2014
Applicant :	Mr & Mrs A Berry
Agent:	Mr Diccon Carpendale, Brimble Lea & Partners, Wessex House, High Street, Gillingham, SP8 4AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee to allow the issues to be fully debated because the site is outside the development area and the officer recommendation is to approve.

SITE DESCRIPTION AND PROPOSAL





The application site is just under 0.1 hectares in extent and is located 200m beyond the development area, located in the side garden of Roselands, one of several dwellings that are located south of Lily Lane, a no through road. South of Lily Lane the land slopes away from the roadside with views across the valley towards the railway track and the built form of Templecombe.

The proposal seeks outline planning permission for formation of new vehicular access and erection of one detached dwelling with integral garage. Access is considered as part of the outline application with all other matters reserved; namely, Appearance, Landscaping, Layout and Scale.

RELEVANT HISTORY

03/00122/FUL - Construction of a self-contained annexe to existing dwelling (Roselands) - Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority accords significant weight to the saved policies of the South Somerset Local Plan. The policies of most relevance to the proposal are:

- ST3 Development Area
- ST2 - Towns

ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
EC8 - Protected Species
EU4 - Drainage

Regard shall also be had to:

National Planning Policy Framework (March 2012):
Chapter 1 - Building a strong competitive economy
Chapter 3 Supporting a Prosperous Rural Economy
Chapter 4 - Promoting sustainable transport
Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy
Goal 8 - High Quality Homes
Goal 9 - A Balanced housing Market

Other Relevant Documents
Somerset County Council Parking Standards

CONSULTATIONS

Abbas and Templecombe Parish Council - No objections.

County Highway Authority - Standing advice considers visibility, parking and turning.

Landscape Architect - No objection. The plot lays within the scope of the peripheral landscape study of the settlement of Templecombe. The plot that is the subject of this application is evaluated as having a moderate capacity to accommodate built development. This was a grading that neither favoured development, nor told against it.

Turning to the detail of the site, it can be considered an infill plot, though it should also be noted that (i) Lily Lane is characterised by its intervening open spaces between properties, the further it becomes removed from the village; (ii) this lane is not characterised by a continuous line of development, and (iii) the site is removed from the core of the village. Hence there are some landscape concerns over this proposal. However, given its close relationship with built form to either side, and (ii) the potential to contain both the scale of the building (at a detailed stage) and the plot (by planting the proposed two new boundaries, then on balance I would accept that the impact upon the local landscape is not so great as to create a case for refusal.

REPRESENTATIONS

There has been three neighbour responses received. One raises no objection to the development of a single dwelling as outlined.

There are two letters objecting on the basis of:

Ribbon development, beyond the development boundary, affecting rural character
Local Plan Inspector's report pointed to the special character of Lily Lane
Traffic, especially the tight turn at the top of the lane from Slades Hill, prejudicial to highway safety
Loss of green space.

CONSIDERATIONS

Principle of Development:

With or without a five-year housing land supply it is important to judge an application on its merits, taking account of the impacts and benefits that the scheme provides. In this context the application must be considered in light of the existing Local Plan, the National Planning Policy Framework, and the emerging Local Plan.

The policy framework provided by the extant Local Plan (1991 - 2011) is increasingly out-of-date. The proposal is contrary to Policy ST3 however Policy ST3 is not consistent with the NPPF, as it is overly restrictive particularly in light of Paragraphs 54 and 55 of the NPPF, which aim to facilitate appropriate housing to meet local need.

The policies within the emerging Local Plan have weight and should be borne in mind, particular where there are concerns as to the out-of-date nature of existing policies. Policy SS2 is clear that development will be permitted where it is commensurate with the scale and character of the settlement, delivers on the criteria set out in the Policy, increases sustainability of the settlement, and takes place in settlements which have access to more than two key services. The application site is 200m from Templecombe's development boundary and is a sustainable settlement with a train station and other key services at set out in SS2.

Particular reference should be made to NPPF Paragraph 14 where it states that where the development plan relevant policies are out of date, there should be a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Accordingly the main considerations include character and appearance, highway safety and neighbour amenity.

Character and Appearance:

One dwelling supports the general density and character in the locality offering spacious surrounds that accord with most other properties south of Lily Lane. Rather than ribbon development this is infill that replicates a similar property width to the roadside as is commonly identified in Lily Lane.

The illustrative drawing indicates layout and scale that are to be finalised as part of the Reserved Matters, however this demonstrates an acceptable scheme can be accommodated on site, where the lie of the land slopes down away from the roadside.

Highway Safety:

It is considered that the access can accommodate the required visibility; offers an acceptable level of parking on site, and provides a sufficient turning area that generally accords with highways' standing advice. Lily Lane is accessed via a sharp bend towards Slades Hill, however with regard to this development, the general scale of development in Lily Lane is considered would not have any significantly detrimental effect for users.

Neighbour Amenity:

While subject to the finalised details as part of the reserved matters application, the illustrative details suggest that an acceptable scheme can be accommodated on site that would not unacceptably harm the residential amenity of occupiers of adjacent properties by disturbing, interfering with or overlooking such properties.

RECOMMENDATION:

Approve.

01. The proposal, by reason of its location, represents appropriate infill closely associated with a sustainable location that does not foster growth in the need to travel and is therefore sustainable in accordance with the aims of objectives of policy ST3 of the South Somerset Local Plan (Adopted April 2006).

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

03. Approval of the details of the appearance of the building(s), the landscaping of the site, Layout and Scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

04. The development hereby permitted shall be carried out in accordance with the following approved plans: 14094-3 and 14094-4 received 5 June 29014.

Reason: For the avoidance of doubt and in the interests of proper planning.

05. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 4m from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan.

06. The driveway between the edge of the carriageway and the first 4m into the site shall be properly consolidated and surfaced (not loose stone or gravel) in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan.

07. At the proposed access there shall be no obstruction to visibility greater than 300mm above adjoining road level within the visibility splays shown on the submitted plan

drawing no. 14094-3. Such visibility splays shall be provided prior to commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policy ST5 of the South Somerset Local Plan.

08. No development shall commence, before details of the proposed finished ground floor level of the dwellings hereby permitted, in relation to the natural and finished ground levels of the site have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with any details as may be agreed in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over proposed floor levels, in the interests of neighbour amenity, further to policy ST5 of the South Somerset Local Plan.

Agenda Item 18

Officer Report on Planning Application: 14/02094/FUL

Proposal :	Erection of a 2 bedroom bungalow (GR 370688/121933)
Site Address:	Land to the rear of 35 Bowden Road, Templecombe.
Parish:	Abbas/Templecombe
BLACKMOOR VALE Ward (SSDC Member)	Cllr T Inglefield Cllr W Wallace
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	7th July 2014
Applicant :	Mr & Mrs Nick Colbert
Agent:	Mrs Janet Montgomery Wessex House, High Street Gillingham, SP84AG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee as the applicant is a district councillor.

SITE DESCRIPTION AND PROPOSAL





The application seeks permission for the erection of a detached one and a half storey dwelling. The site consists of an area of empty land (former garden) to the rear of two terraced red brick dwellings. The site is located within the Templecombe development area. The site is close to various residential properties.

It is proposed to form a vehicular access into the site from Overcombe. The proposed dwelling will be constructed of brick under a tiled roof.

HISTORY

13/02725/FUL - Erection of a 2 storey detached dwelling - Application refused 15/11/2013 for the following reasons:

01. *"The proposal represents unjustified over-development of greenfield land, which fails to respect the form, character and setting of the locality, and would not preserve or complement the key characteristics of the location. It would also result in the loss of an open space or gap in the built development which currently offers positive visual and environmental value. In these respects, the proposal represents poor design, and is contrary to the aims and objectives of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006.*

02. *The proposal would unacceptably harm the residential amenity of occupiers of neighbouring properties resulting from overlooking and an unacceptably intrusive presence close to existing dwellings and outdoor amenity space. Future occupiers of the proposed development would enjoy unacceptable residential amenity by reason of the close proximity to neighbouring dwellinghouses, the upper storey windows of which would directly overlook the outdoor living space and windows of the proposed development. In these respects, the proposal is contrary to the aims of the NPPF and Policy ST6 of the South Somerset Local Plan, 2006."*

11/01659/FUL - Erection of 2 two bedroom dwellings with garages - Application refused 14/07/2011 for the following reasons:

01. *"The proposal represents unjustified over-development of greenfield land, which fails to respect the form, character and setting of the locality, and would not preserve or complement the key characteristics of the location. It would also result in the loss of an open space or gap in the built development which currently offers positive visual and environmental value. In these respects, the proposal is contrary to the aims and objectives of PPS3 and Policy ST6 of the South Somerset Local Plan, 2006.*

02. *The proposal would unacceptably harm the residential amenity of occupiers of adjacent properties owing to the proximity of the two dwellings to the outdoor living space which would be directly overlooked. Future occupiers of the proposed development would enjoy unacceptable residential amenity by reason of the close proximity to neighbouring dwellinghouses, the upper storey windows of which would directly overlook the outdoor living space and windows of the proposed development. In these respects, the proposal is contrary to Policy ST6 of the South Somerset Local Plan, 2006."*

11/01659/FUL was dismissed at appeal 13/06/2012

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

ST5 - General Principles of Development

ST6 - The Quality of Development

EU4 - Drainage

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

South Somerset Sustainable Community Strategy

Goal 3 - Healthy Environments

Goal 4 - Services and Facilities

Goal 8 - High Quality Homes

CONSULTATIONS

Templecombe Parish Council - Objects for the following reasons:

- The proposal will exacerbate existing parking and access problems, including access for emergency vehicles.
- The proposal is an overdevelopment of the site. The garden left for numbers 35 and

35a would be greatly reduced and unusable.

- The proposal is not compatible with other properties in the area.
- The proposal is detrimental to the amenity and environment of the area.
- Vehicular movements out of the proposed access would cause a traffic hazard.
- The one and half storey building is out of keeping with the area.

County Highway Authority - Refers to standing advice

REPRESENTATIONS

Objections were received from the occupiers of six neighbouring properties. Objections were raised on the following grounds:

- The proposal is similar to that which was applied for and refused under application 02/02087/OUT.
- Some of the previous reasons for refusal (unjustified overdevelopment of greenfield land, replacing a green gap with a building, and future occupier's standard of amenity) have not been addressed.
- The proposal will exacerbate existing parking issues.
- An application for a bungalow in the area was refused as out of character.
- A bungalow facing the road (parallel with) would be out of character with the area.
- The proposal will overlook neighbours property as the fence is only one metre high.
- The site is already overdeveloped.
- There is Japanese Knotweed in the garden which should be eradicated before the site is developed.
- Applicant's assertion that development should be allowed because the plot has become a dumping ground is disingenuous as most of the waste has been generated by the applicant's building activities.

CONSIDERATIONS

History and Principle of Development

The site is with the Templecombe development area as defined by the local plan. As such the principle of residential development is considered to be acceptable and the scheme falls to be considered on its merits, specifically whether or not the proposal satisfactorily addresses the previous reasons for refusal.

In 2011 an application to develop the plot with a pair of two storey dwellings was refused, and in 2012 the scheme dismissed at appeal. The inspector concluded that, in contrast to the approved dwelling opposite, the dwellings would cut across the parallel pattern of the existing terraces. She also stated that a substantial portion of road side garden and hedge would be replaced with buildings and driveways, thereby reducing the green gap and detracting from the existing character and appearance of the area. She concluded that the impact on neighbouring residential amenity would not be unacceptable, but that the living conditions of the future occupiers of the proposed dwellings would be unacceptable, as they would have a limited amount of outdoor amenity space, which would be overlooked at very close range by the upper floor windows on nos. 14 and 15. In 2013 a revised scheme was submitted for a single two storey dwelling. It was not considered that this scheme satisfactorily addressed the inspector's concerns.

The current proposal attempts to address the previous reasons for refusal, by reducing the height and scale of the proposed dwelling and by changing its orientation to reflect local prevailing character.

Visual Amenity

The proposal must be considered against the inspector's concerns in relation to the impact on visual amenity caused by the proposed development of the plot. The current proposal is for a single storey dwelling orientated to reflect the pattern of the existing terraces and the more recent dwelling known as 'Eden' on the opposite side of the road. The gap in the existing hedge required to accommodate vehicular access to the site, is significantly smaller that would have been required by the 2011 scheme. It is therefore considered that the inspector's concerns regarding the impact of the proposal on the character of the area have been satisfactorily addressed, by reducing the loss of 'green gap' and setting the dwelling into the prevailing orientation of other dwellings in the locality.

Therefore, notwithstanding the concerns of the parish council and neighbouring occupiers in relation to the impact on visual amenity, it is considered that the proposal will respect the character of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

Residential Amenity

In regards to the 2011 scheme the inspector's main concern was the adequacy of the outdoor amenity space that could be provided for any future occupiers. In particular she was concerned that the proposed garden would be overlooked from close range by the upper floor windows of nos. 14 and 15. The current scheme shows the predominant garden area to serve the dwelling on the north side of the property, away from nos. 14 and 15 and with the proposed dwelling offering some screening from this view. As such, it is considered that the inspector's concerns have been satisfactorily addressed in this regard. Notwithstanding the concerns of neighbouring occupiers, the proposal, by reason of its size, position, orientation, and window layout, would cause no demonstrable harm to the residential amenity of adjoining occupiers.

Highways

Concerns have been raised by the parish council and neighbouring occupiers regarding the access and parking arrangements. The Highway Authority has referred to their standing advice. The proposed access and parking levels broadly accord with the standing advice and the parking standards set out in the Somerset Parking Strategy. On neither of the previous refusals on the site has the impact of the development on highway safety or parking provision been given as a reason for refusal. The currently proposed arrangements will have no worse an impact than on these previous schemes. It would therefore be unreasonable to introduce this as a reason for refusal now. In any case, notwithstanding the concerns of the neighbouring occupiers and the parish council, the impact on highway safety is considered to be acceptable.

Other Matters

A neighbour has raised a concern that the proposal is similar to a scheme refused under application 02/02087/OUT. However, since this application was refused, the local context has changed significantly, with the approval and construction of the dwelling known as 'Eden'. Furthermore the design and orientation of the currently proposed bungalow is quite different to that refused under 02/02087/OUT.

A concern has been raised regarding the presence of Japanese Knotweed within the site. Whilst the weed is pernicious and should be eradicated from the plot, its presence does not represent a constraint to development.

A neighbour has stated that the applicant's assertion that development should be allowed because the plot has become a dumping ground is disingenuous as most of the waste has been generated by the applicant's own building activities. Whether or not this true, no weight has been given to this particular argument put forwards by the applicant.

The parish council has raised a concern that the garden remaining for nos. 35 and 35a would be so small as to be unusable. However, the gardens are considered to be of a size that provides a perfectly adequate level of outdoor amenity space for the occupiers.

Conclusion

Notwithstanding the concerns of the parish council and the neighbouring occupiers it is considered that the previous reasons for refusal have been satisfactorily addressed.

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the area, highway safety, or residential amenity.

RECOMMENDATION

Permission be granted for the following reason:

01. Templecombe by reason of its size and provision of services and facilities is considered a sustainable location in principle for appropriate development. The erection of a dwelling on this site would respect the character of the locality, with no demonstrable harm to residential amenity, or highway safety. As such the proposal complies with policies ST6 and ST5 of the South Somerset Local Plan (Adopted April 2006) and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: 14066-1A received 17 June 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No work shall be carried out on site until particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;
- b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;
- c.. details of all hardstanding and boundaries
- d. details of the rainwater goods and eaves and fascia details and treatment.

Once approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan.

04. Before the development hereby permitted is commenced, foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policies St5 and ST6 of the South Somerset Local Plan.

05. Before the dwelling hereby permitted is first occupied, the access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority, before works are carried out on the access.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

06. Before the dwelling is occupied provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto any part of the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

07. The area allocated for parking on the submitted plan, drawing no. 14066-1A received 17 June 2014, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no entrance gates shall be hung at the vehicular access hereby approved.

Reason: In the interests of highway safety and in accordance with policy ST5 of the South Somerset Local Plan.

09. Before any of the development hereby permitted is commenced details of the finished floor levels of the dwelling to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority. Such level shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity, in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan 2006.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, without the prior express grant of planning permission.

Reason: In the interests of residential amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: In the interests of visual amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no outbuildings erected in the curtilage of this building without the prior express grant of planning permission.

Reason: In the interests of visual amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

Agenda Item 19

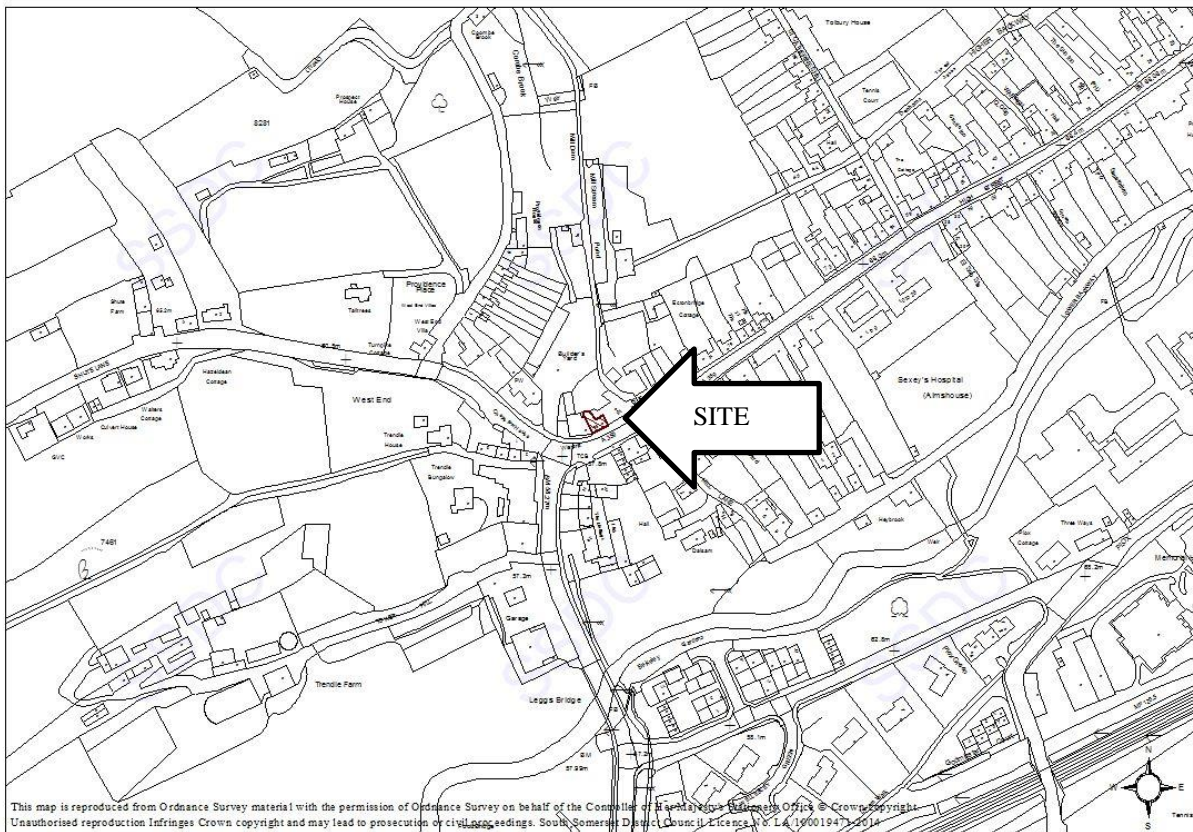
Officer Report on Planning Application: 14/01631/FUL

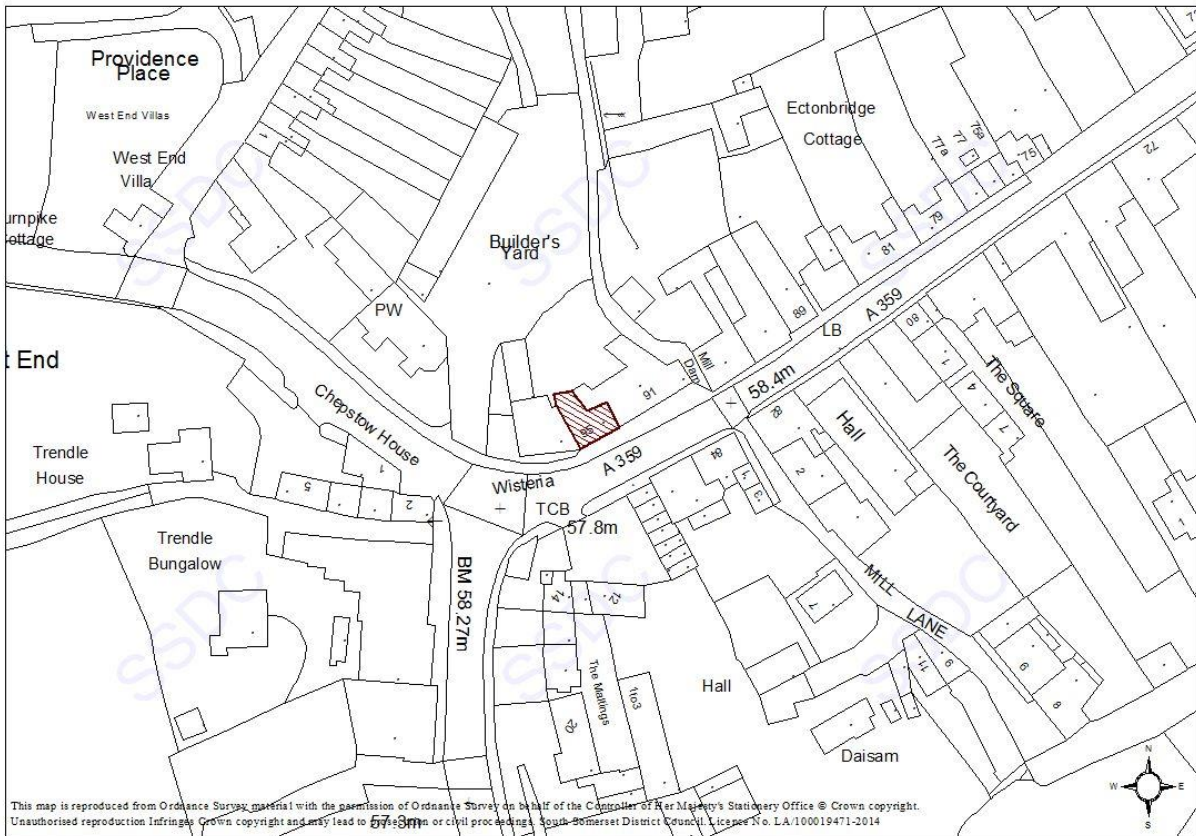
Proposal :	Proposed awning to front of brasserie (GR: 367986/134672)
Site Address:	Truffles Brasserie 95 High Street, Bruton.
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr Anna Groskop
Recommending Case Officer:	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
Target date :	5th June 2014
Applicant :	Mr Richard Sorapure
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee as the officers recommendation is contrary to the Highway Authority comments in relation to an A class road.

SITE DESCRIPTION AND PROPOSAL





The site is located at the bottom of Bruton High Street within the development and conservation areas.

The property is a terraced, two-storey building of stone construction with painted timber windows under a tiled roof. The building is currently being operated as Truffles Restaurant. Although not listed itself the adjoining building to the east is Grade II listed.

This application seeks permission for the installation of an awning to the front elevation. The proposal has been amended by plans submitted 12 June 2014 to address concerns raised by the neighbour, the Highway Authority and the conservation officer.

RELEVANT HISTORY

14/01181/ADV – advertisement consent granted for display of non-illuminated advertisement signage and menu board.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

Saved policies of the South Somerset Local Plan (April 2006)

ST5 - General Principles of Development

ST6 - The Quality of Development
Policy EH1- Conservation Areas
Policy EH5- Development Proposals Affecting the Setting of Listed Buildings

National Planning Policy Framework

7 - Requiring good design
12 - Conserving the historic environment

CONSULTATIONS

Bruton Town Council - No objection

Highway Authority - As far as the application is concerned, the Highway Authority was approached on a pre-application basis and expressed the view that it would oppose any planning application that proposed any chairs or tables on the existing footway (as well as any canopy that did not provide sufficient clearance) due to the restricted width of the existing footway and the likelihood that pedestrians would be displaced into the carriageway as a result of the proposals. I would therefore recommend refusal of the application. With reference to the amended plans received on the 23rd June, I can confirm that the highway authority maintains its objection as the awning is still below the 2.75m minimum clearance which is required in cases such as this.

Conservation Officer - (Following receipt of amended plans) I note the revised size of the awning, but it is the principle of adding an awning to the front of the building that I consider to be wholly inappropriate. Architecturally it is simply not right to add an awning to a building such as this. A traditional awning should sit over the top of a traditional shop front, serving to shade the display window as well as advertise the business. It is not appropriate to fit an awning to the front of a building that essentially has the character of a dwelling.

Therefore I recommend refusal due to the impact of the awning on the character of the conservation area and setting of the adjacent listed building.

REPRESENTATIONS

One letter has been received raising the following areas of concern:-

- Disproportionate to the small scale and wholly at odds with the aesthetic of the building.
- Would further add to what is already significant and intrusive visual, aural and physical issues at front of Truffles - specifically ugly, substantial green plastic storage bin, the adjacent area used for recycling and recently extended cowl for the kitchen extractor fan which discharges directly and loudly at street level.

APPLICANTS CASE

Following discussions with the applicant raising concerns regarding the size of the awning it was agreed that he would contact the manufacturer to see if a smaller canopy could be made. An amended plan was received on 12 June 2014 showing a reduced scheme in both depth and width, in turn raising the height.

CONSIDERATIONS

The key issues are considered to be:-

- Highway Safety
- Visual Impact

Highway Safety

The Highway Authority recommends refusal of the revised scheme as it does not meet their height requirements of 2.75m. The revised scheme has reduced the width of the canopy from 4.5m to 4m wide, from 1.6m to 1.2m deep and this has raised the height at its lowest by 90mm to 2.140m. Although this is below the recommended 2.75m it is considered an acceptable height and with the reduction in depth the proposal is not considered to have any significantly harmful impact on users of the footpath.

Visual Impact

The conservation officer comments have been noted, however, when taken in context with the signage on the building it is considered that the amended awning would be in keeping with the existing restaurant. The proposal will be relatively small and will cover a small outdoor seating area that when in use is also considered in keeping with its surroundings.

On this basis it is not considered that the proposed awning would be detrimental to the setting of nearby listed buildings and would preserve and enhance the character and appearance of the conservation area as required by policies EH5 and EH1.

Neighbour Comments

The neighbour's initial comments are noted however it is considered that the amended plans reducing the size of the proposed awning have addressed this issue. No further comments from the neighbour have been received. The issue raised regarding the clutter to the front of the site and various items placed on the highway are not being considered as part of this application and some are being dealt with as a separate matter.

Conclusion

The proposal is considered to be acceptable in terms of visual and residential amenity and is not considered to be harmful in terms of highway safety.

RECOMMENDATION

Grant permission subject to the following conditions

Justification

The proposal, by reason of its size, scale and materials, respects the character of the conservation area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of policies EH1, ST5 and ST6 of the South Somerset Local Plan (Adopted April 2006).

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity to accord with policy ST6 of the South Somerset Local Plan (Adopted April 2006).

03. The development hereby permitted shall be carried out in accordance with the following approved plans: Details received on 08 April 2014 and amended drawing number 1134/002/R1 received by email from the applicant on 12 June 2014.

Reason: For the avoidance of doubt and in the interests of proper planning.
